TECHE
UDINE

MANOSCRITTI

FONDO PRINCIPALE

Manoscritto n. P_MSS_1032_II

Nel Fondo Principale sono confluiti la maggior parte dei lasciti manoscritti pervenuti alla Biblioteca Civica «Vincenzo Joppi» nel corso del tempo: si tratta perciò di un fondo composito nel quale è possibile trovare manoscritti di argomento liturgico, scientifico, giuridico, botanico e altro.

Collocazione:

Biblioteca Civica "Vincenzo Joppi", Udine
https://www.techeudine.it/fondo-principale
https://www.sbhu.it/

II

Della Porta
Ulderico
Scritture
legali

1032

Nota pro allegationibus Turrianis 1

Actoris vel rei testibus et probationibus quando plus credendum
vide Menoch. de Arbitr. et in dicto Actoris in similis argumentis
prima centuria. Fol. 148. casu 98.

Quando creditur testi singulari illius qui de gestis a se deponit
ibid. cent. fol. 149. casu 99.

vide de interrogatoriis casu 21. cent. 1. lib. 2. fol. 100.
et casu 175. num. 2. lib. 2. cent. 2. fol. 197.

... a lege et iuris iustam et causam casu. 1. cent. 1. lib. 2. fol. 85
num. 10

... in locationibus ... casu V. cent. 2
lib. 2. ... fol. ... 88 item ... lib. 2. cent. 1. casu 25. ...
fol. 95 et ... contra ... concessa per ... alienavit ...
centur. 2. casu 152. fol. 201 et casu sequenti.
casus ... an Clericus in ... succedat cent. iii. lib. 2. casu 231 fol. 259
Menoch. de arbitr.

nota quod ... pro ... contra ... quod ...
... imperatoris ... fructus. quia ... imperator
... interrogatione ... pro ... causa, ...
ut pater ... ergo ... utilitatis,
filio ... et familia, ... Pontifice, ... in pontifice
... de ... in factis.

Nota quod ... pater ... quod ...
... Menoch. ... in casu successionis Clerici in ...
de ... in fine optime.

Vide ... probationem et ... 24. usque ad 29
fol. 20. usque ad fol. 22.

vide in ... compositio litterarum

Nota quid ... tibi in probatione ... comparationem litterarum fol. 154. ...
vide de ... lib. 1. comparationes et 1. ad ...

Premittere et dare i(n) [illegible] . Menoch . lib. 2 . cent. 4 . casu 342 . num. 29 .
ubi Paludanus vide [illegible] l'aiuto d'altri

Vide ad hoc textum clarum in l. emptorem Cod. loc. et cond. ubi dicit
standum esse pactionibus nec scripturis videtur in fine hoc concernit
adde tex. singularem . in l. [illegible] instrumentis Cod. de fide instrum. [illegible]

de [illegible] quod [illegible] . vide tex . in l . [illegible] fide Cod.
de conditione ex lege.

[illegible] Item Cod. de ~~oblig.~~ act. et oblig. quod ab initio est voluntarium
ex post facto necessarium . l. sicut initio . l. contractus conditionum Cod. de fide instrumentorum . l. 2 quidem [illegible] Cod. quando licet ab Empt. [illegible]

bona fides in contractibus interveniri debet ibi . l. ~~bona fides~~

[illegible] institutum fuit etiam [illegible] esse [illegible] l. si in [illegible]
Cod. de Act. et ob. et hoc [illegible] C. contra [illegible] in casu [illegible] et [illegible]
[illegible] . item quod [illegible] [illegible] [illegible]
a die [illegible] in [illegible] . adde quod leguntur in ll. post [illegible] et
ex nominis emptione Cod. quod [illegible] ad [illegible]

~~Ceter~~ dicta [illegible] non obligant [illegible], etiam si [illegible]
sint [illegible] . l. [illegible] Cod. de Act. et oblig.

Contra [illegible] similiter agendo [illegible] super l. [illegible]
facit quia [illegible] semel hoc [illegible] et [illegible] in lege [illegible]
[illegible] :

R. vide Menoch. in lib. 2 . centur. 1 . casu 26 . fol. 96 . Vedi sopra il particolar che dice la S. che [illegible] pagate
[illegible] tex : in l. [illegible] Cod. ne uxor pro marito.
[illegible] de [illegible] in l. [illegible] Cod. ad [illegible] . Velleian. [illegible]
[illegible] si pro alio [illegible] obligat [illegible] et [illegible]
l. si pro alieno Cod. de [illegible] pecunia

de scriptura privata vide tex : in l. instrument. [illegible] Cod.
de probat.

Reus non est onerandus in probatione l. factum alienum, et Actor sua petitionem Reus sua probare debent Exceptionem l. i. cod. de prob.

Nota non — Plus valet quod agitur quam id quod instrumento inscribitur l. in contractibus. cod. de probat.

Creditis testibus probari, et non probari posse solutionem in l. et qui temere. cod. de probat. Menochius ... consil. 34 ... 24

instrumentum non probat nisi quod continetur in eo. ~~legit~~. et omnia in eo praetermissa non esse. l. ad probationem. cod. de prob.

Si media instantia non fit probatio l. ad probationem Actor non probare non perhibens, non transfert onus in Reum l. Actor. cod. de prob.

Pro et contra testes notes, et vid. in l. de testibus cod. Legem ... ubi plura de ... testium ... et pro ... omnia

Vide Titulum in cod. plus valere quod agitur, quam quod simulate concipitur.

Vide ... impressi ... il titolo ff. quod iussu.

... non vol pagar quello ... tutta la ... Nota ... in scrittura

Simpliciter solutio creditori valet, cadit in debito usurarum prius quam in sortem. l. [illegible] C. de [illegible]

Mater pro debito filii non habet pactionem [illegible] illius in solutum creditori nisi illo consentiente l. mancipia C. de [illegible] alien. vel alim.

De [illegible] faciendis testibus ante examen. [illegible] de Arbitr. lib. 2. Cent. 3. casu 23 Fol. 259. [illegible] 24. 25. 26. 27. 28 et 29. [illegible] fol. 22 [illegible] quaest 32. [illegible] 23.

Cir. [illegible] in [illegible] ibidem. casu 248. fol. 263

NOTA — De [illegible] numero testium idem. casu 249. fol. [illegible]

De [illegible] litterarum ad examinandos testes [illegible] idem ibidem. casu 250. fol. 263. [illegible]

De positionibus ibidem fol. 263. [illegible]

notabile — Quando de [illegible] sententia [illegible] idem quaest. 31. fol. 22 [illegible]

De Conclusione in Causa. idem quaest. 35. [illegible] fol. 25.

De [illegible] ibidem fol. 26 quaest. 36.

Vide [illegible] Commissionis imperatoris [illegible] extendant et [illegible] nominatis ibidem fol. 29. [illegible] 38. [illegible] De IURE [illegible] quaest. 48. Fol. 35.

Signa stabiliora debent dividere territoria, ac Loca Publica
[illegible] Paul. Castr. in L. ex hoc iure n.o 24 ff de iust. et iure
Vide Bald. in Cons. 468 Qualiter probantur confinia col. 3a
et in Cons. 420 Verba Principis Montis ferrati col. 4o [illegible]
Provincias Territoria, ac Dioceses divid. et terminari per vias
Regales Flumina Montes, Valles, et lapides aut signis
valde apparentibus

Tunc ut flumina ut inquit Aggenus Urbicus, in cod. Theodosiano
in commentario in titul. Frontini in pagin. 176. ~~Monumenta~~
Fontes, Rivos Fluminaque pro finibus Territoriorum observari.

Quidquid est intra fines continetur esse de finibus, eiusque cuius
sunt fines Bald. in Rubr. cod. de contrah. empt. num. 22
per tex. in L. res sacra § fin. ff de contrah. empt:
et Sot. in alleg. Cons. 86 num. Tertia conclusio lib. 4o

Communio parit discordias L. cum Pater § dulcissimis ff de
leg. 2o cum aliis congestis per Triaquell. in tract. de iure
primogen. quaest. 4 n.o 27

Si cui Villae quaesitum ius esset pascendi in alieno territorio nihil
minus L. Villae in cuius Territorio sita sunt pascua illis
indigeat pro necessitatibus civibus Villae quaesitis, exclusa alia
cui ius pascendi erat quaesitum in alieno Territorio Afflict.
decis. 390 n.o 7. Paris. Cons. 27 n.o 134 lib. 4o

Nec Principis nec Universitatis Bona ullo tempore ex
consuetudine praescribi posse L. 2 cod. ne rei domin. vel templi:
L. 2 cod. de [illegible] [illegible] gloss. in verb. Fiscali

Tractatur de reducendis Bonis Communalibus ad culturam
Unde cum esset favorabilis, ad si fuit possibile omnia
Bona apta deberent ad Culturam reddi pro sustentandis
Populis dictorum Montium, qui inter Errores maxime
frigoris, et ut ita dicam continue Noctis Vitam [illegible]
ducunt

Omnes Universitates habent Bona Civilia, ac de[illegible]
ea proventu, et Publicis [illegible] in eo redactis, [illegible]
quod Unaqueq[ue] eam se contineat infra fines Proprios
hoc in parte omnes utuntur Propriis Partibus, et
nulla [illegible] quidq[ue] amittet

Cum patet Pactum Conventum ~~hic~~ ee de Confinijs Ville, ~~[illegible]~~
~~[illegible]~~ aliamq; et si aliter q[uam] possessionem aliqua Pars probaret
Confinium [illegible] nisi ex iustis Causis iustificet arg. cap.
ad Decimas de restit. spol. in 6°

Addatur quod de Concessione Montium facta Com. [illegible] anno [illegible]
1372 a [illegible] Abbe illius temporis constat; Modo in dictis
Montibus iacent Bona Civilia Patrimonia modo Conventa
Unde intelligimus et ea Concessa ~~quia Concessionem inseparab~~
et sic propria eisdem debent dici, cum Concessionem
inseparabilem idem sit dictum si si finita [illegible] hoc edicto
ver. si iuncta sit ff de damn. infect. cum eadem sit
ro Annexam cap. Generalem de off. deleg. iuncta glossa in
verb. ex eo, quia si constat [illegible] ee [illegible] in Certam integram
fundi Partem, Dominus quoq[ue] ee dominus omnium rerum
eidem annexarum cap. p° [illegible] cum quis se continet [illegible]

[illegible] extremis remissa ab'ortu [illegible] ab'ortu [illegible]

[illegible]

[illegible] quod allegatur per deductum Posse [illegible]

[illegible] ad Particul[illegible]

[illegible]

[illegible] quod Patimassent, Se [illegible]

[illegible] ff de Servit. Rustic. Prædior. [illegible]

[illegible] ff de alim. et cibar. legat. [illegible]

[illegible]

[illegible] deducat nec illius [illegible] Particularis [illegible]

[illegible]

[illegible] magis

Vrius [illegible] alterius Brun: in Cons. 109. n°. 58

[illegible]

[illegible] tempore valere [illegible]

[illegible]

[illegible]

[illegible] della [illegible]

[illegible]

la sua Costituzione [illegible]

[illegible] Colonne di [illegible]

[illegible] et nelle [illegible]

[illegible] d'Inghilterra [illegible]

[illegible] rappresentante [illegible]

[illegible] l'Inghilterra [illegible]

[illegible] Costitutione [illegible]

[illegible] negano [illegible]

delle loro integrità [illegible]

[illegible]

[illegible]

Orrilatur [illegible]

[illegible] ctione. ~~[illegible]~~ [illegible]

[illegible]

[illegible] petit iudex in delatione [illegible]
[illegible] 52. [illegible] 108

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible], et [illegible] velint [illegible]
[illegible] Plebis [illegible]
[illegible] expertis, [illegible]
[illegible] [illegible] [illegible]
[illegible], [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] fuit ex [illegible]

[illegible]
[illegible] modo [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] ... nicat,
[illegible]
[illegible] Quaestio [illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] ~~[illegible]~~ [illegible]
et [illegible] ab [illegible]
~~[illegible]~~ debeat, ~~[illegible]~~ [illegible]
[illegible] ad [illegible] Plebis; eo [illegible]

... it militatum et ... non inmediate
mandavit ... unde intelligit
... hic nullo vel in ...
[illegible]
[illegible]

Unde ad maximi [illegible]
[illegible]
[illegible] (memoria non extat in
[illegible]
de ... inde pro ipsius ...
celebratum divinum officium, clementissime
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
in sepeliendis mortuis loci loci, quam se
necessitas exposcebat, hic ...
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] ac [illegible] de N: [illegible], ex [illegible]
[illegible] possent reduce [illegible]
necessitas [illegible] inter [illegible]
[illegible] Cadaver [illegible]
[illegible] Mariae [illegible] alter de [illegible] quid [illegible]
[illegible]
[illegible]
[illegible]
[illegible] pro [illegible] suspectu [illegible]
[illegible] cadaver [illegible]
[illegible] circumstantiis [illegible]
[illegible] aliis necessitati
[illegible] valere [illegible] observat
[illegible] elapsis [illegible], adeo [illegible]
[illegible]
[illegible] debuerit caddere [illegible]
[illegible] debet [illegible] pro [illegible] Tumulatione [illegible]
elevando.
[illegible]
tumulandi cadaveris [illegible] in Cemeterio [illegible]
[illegible] molestia [illegible]
[illegible] allegatis [illegible]
[illegible] Praeceptum in [illegible] [illegible]
[illegible] prohibebat
[illegible] ex [illegible]
[illegible]
[illegible]
[illegible] Necessitas [illegible]

[illegible] [illegible] [illegible] Romanis et [illegible] [illegible] [illegible]
voluerit, [illegible] cum quo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quidam [illegible] et [illegible], [illegible]
[illegible] [illegible] quos [illegible], ut [illegible]
[illegible], illius executioni [illegible] in [illegible]
[illegible] in grandi, et [illegible] Plebis [illegible]
~~[illegible] [illegible]~~ [illegible] aut [illegible] [illegible]
[illegible] [illegible] ex [illegible] inter [illegible] [illegible]
[illegible], et decreto [illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in Primordio
[illegible]
[illegible]
in grandi [illegible] [illegible] [illegible]
ex [illegible] [illegible] sed [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible]
in [illegible] [illegible]
[illegible]
[illegible] ex [illegible]
[illegible]
[illegible]
~~[illegible]~~ quos [illegible] [illegible]
[illegible] nec [illegible] decreto [illegible]

Nec pro utile

Eo quod de licitis [illegible] [illegible] materialiter [illegible] [illegible]

[illegible] in materiam [illegible] [illegible] Paulo

[illegible] in [illegible] [illegible] [illegible] cum [illegible]

[illegible] indemnitati [illegible] [illegible] [illegible]

[illegible] [illegible] in hiis circumstanciis [illegible]

[illegible] [illegible]

Quod autem esse [illegible] [illegible] in quantum [illegible] [illegible]

[illegible] debeat [illegible] patet [illegible] quod

[illegible] a Paulo [illegible] [illegible] [illegible] [illegible]

[illegible] nullo in [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] in quo [illegible] de [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] quia [illegible] quod [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

Nec loqui [illegible] de [illegible] [illegible] [illegible] [illegible]

Esse [illegible] [illegible] approbatum, [illegible] [illegible]

[illegible], que modo [illegible], [illegible] est quod [illegible]

[illegible] obtinenda [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] habere, [illegible] obtinerí

[illegible] [illegible] dicens [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible]

[illegible] Clerico eidem [illegible] [illegible] [illegible]

[illegible] Unde [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible] quod [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Plebanus [illegible], [illegible] Capellanus [illegible] qui aliis

Filialibus [illegible] ~~[illegible]~~ in [illegible]

[illegible]

Fonte Baptismali, [illegible]

et Parochi [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ quod

[illegible] in illo loco [illegible]

[illegible] ~~[illegible]~~

[illegible]

eodem [illegible]

[illegible] illius

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] concederes [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] caveat [illegible]

[illegible] animans illius [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Patet, ex quo Ius oriri debet in [illegible] [illegible],

aeternumq; ex Contractibus in Processu presentatis;
Cum ex eis legitur; quod anno 1599 [illegible] [illegible],
Comes [illegible] Montisregalis [illegible] venditionis, [illegible]
sibi [illegible] Benedicto et Enrico Precario [illegible] Bona
in d. Locum. circumstantia pretio £ 500, —
obligatus ulterius ei [illegible] quot annis persolvere
£ iiij - denariorum, et Butiri £ 2 [illegible] [illegible]
[illegible] ei attributa le grancandi a [illegible] [illegible]
[illegible] Constituta loco Partis Pretij [illegible] numerari
Contractu [illegible], [illegible] Emptor [illegible] dominus [illegible]
Bonorum, et in eum [illegible] [illegible], et directum
dominium translatum; ut constat ex qualitate, et
Natura ipsiusmet Contractus: [illegible] [illegible] Comes
stetit in Possessione Bonorum donec in humanis vixit
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in Possessione Patris, et [illegible]
continuavit: Anno autem 1622 dictus [illegible]
in minori aetate constitutus a Patria [illegible]
[illegible] Montisregales [illegible] occasione [illegible]
[illegible]; [illegible] [illegible], et propria authoritate
Bona ut supra vendita invaserunt, et
licet nec ius amplius exigendi [illegible] eis
nullum habuerunt, ut patet in [illegible] 20
anni 1622. 25 Augusti, [illegible] [illegible] qui

Omnibus a Plentiane meliani se francaverat
vita Bona [illegible] demo [illegible] nostrae
decrevimus, attentes fore creditores [illegible]
licet de aliqua [illegible] legitime liquidate
[illegible] non constet: alienatione ut supra
confecta, [illegible] emptores adeunt
Bonorum possessionem, et in ea continuant
usque de anno 1633; in quo ad cognoscent
invaliditatem eorum emptionis, [illegible]
illegitime [illegible] a [illegible] ad omne
[illegible]; [illegible] [illegible] [illegible]
dicte possessionis [illegible] [illegible] [illegible]
dictorum bonorum a [illegible] Omnia
emptoris [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
ad Omnis Monteregalibus [illegible] Omnis; [illegible] [illegible]
fuisse inutilis; & Joannes Precacinus Sanguine
[illegible] [illegible], et eiusdem agnatus [illegible]
admitti ad Retractum Bonorum, et [illegible] [illegible] [illegible]
libras 402 licet [illegible] [illegible] [illegible] tenear
de rigore iuris, [illegible] [illegible] 20 a [illegible]
[illegible] obtinuit ad dicta retractus in [illegible]
Primae Instantiae; [illegible] tamen in
appelle, [illegible], et ad illo ex[illegible] [illegible] obtinuit
quod in [illegible] reddidit [illegible] [illegible]. ut

inde racionas eius iniustitia cognosceret;
Unde vero appellavit Joannes est videndum
quid Iuris

Ex Primicialis ad Retractum vocans Agnatos,
omnes indistincte admittit ut ex ipsius
Lettura dettermint; quapropter Probata Agnatione
Joannis eius Actio foret nullo modo [illegible];
Nec dicat prout annuere velle virorum Iuris
Gubernator in eius Venditia, quod Iuri Primogenitura
dici debeant Venditores, non autem Praesentes
Precarium, quia respondet, quod imo ipsi
Iuri fuere Venditores, et propterea venderent
non [illegible], quod erat alienum, in quo [illegible]
[illegible] habebant ad [illegible] Primi
emptor iam extinxisset capte [illegible], quo
quo tenebant quot annis [illegible],
ut patet in [illegible] 1622, licet ad
qualitate que tamen non fuit probata, nec [illegible]
ideo decet; Unde debet attendi contractus
emitionis [illegible] 1599., et [illegible]
a Hierusalem celebrato a. 1633;
[illegible] quod habet ex [illegible], Bona
Dicta fuisse Propria Familie Precariae;
vocans, et admittens Agnatos ad ipsum
Retractum indistincte; quod etiam adversarii
cognoverunt, et propterea non contra.

Ex appt. [illegible] debet ideo Declari in omnibus, ut
appellatione Joannis [illegible]

Videtur [illegible]

13 | 5. to

C

Carte Legali scorse sotto
li 2 Marzo 1723 del
q.m Nob.: et Ecc.mo Sig.r
Co: Enrico della Porta D.r

Carte
Legali

[illegible] Procaino

Rosalene Iacomo

Anzeso Bernardin

Rosalem Venditore · Giovane Attore

L'anno 1599 come appare in processo a car. 18 il q. Anzeso Procaino nominato nell'Albero [illegible] comprò ragioni di [illegible] dal q. [illegible] Montenegro de' beni nominati nel medesimo [illegible] [illegible] [illegible] et de [illegible] [illegible] Venditore, et heredi [illegible] libre d'oro; Mancato Anzeso successe ne' d. Beni Rosalem suo [illegible], et questo [illegible] [illegible] 22 essendo il d. [illegible] [illegible] di Padova come [illegible] andarono queste [illegible] di Montagna [illegible] [illegible] successe al d. Venditore, che [illegible] ragione di riscuotere [illegible] d. Beni [illegible] [illegible] dell'albero [illegible] Rosalene [illegible] et di [illegible] al possesso [illegible] et [illegible] d. [illegible] 24 [illegible] [illegible] Quelli [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] di Venetia [illegible] [illegible] Beni [illegible] [illegible] [illegible] Rosalene [illegible]

[illegible] che [illegible] [illegible] libertà [illegible]
[illegible] Tofuli [illegible] [illegible]
[illegible] [illegible] hattuno [illegible]
[illegible] [illegible]
[illegible] [illegible] 15
[illegible] [illegible] hattuto [illegible]
[illegible] [illegible]
al [illegible] [illegible]
[illegible] il deposito, et nella [illegible] di [illegible]
[illegible] è dalli [illegible] instanza [illegible]
[illegible] Tofuli, et avanti il [illegible]
Governatore [illegible] ottenero il
[illegible] atto d'appellatione
[illegible] sentenza, [illegible] in appe
[illegible] processo all'[illegible] Precettore di
[illegible] [illegible] Processo
[illegible] [illegible] seguito [illegible] loco di
[illegible] [illegible]
[illegible] Tofuli [illegible]
loro ragioni [illegible] libello appellatorio
[illegible] che non essendo stati [illegible]
[illegible] [illegible], [illegible]
[illegible] [illegible]
ma che [illegible] [illegible]
[illegible] fussero stati legitimamente [illegible] et
[illegible] dalli [illegible]; [illegible]
queste ragioni [illegible], che fusse
dato il Processo ad espedire (et qui eccitto
la Prudenza di [illegible]) [illegible]

fauore de Toschi accorti [illegible] con [illegible]

l'illustre di negan[illegible] e [illegible] fece in [illegible]

Agnate di [illegible] Grane con Rotalenà, con tutto che dalli

d. [illegible] fosse [illegible] stata [illegible] contestata [illegible]

il Processo [illegible] [illegible] aueua [illegible] manca[illegible] [illegible]

con medesimi ad [illegible] e [illegible] [illegible]

la [illegible] doueua seguire [illegible] il [illegible]

[illegible] che [illegible] [illegible] Punto si doueua dar il

Processo [illegible] per essede [illegible]

[illegible] mane [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] et [illegible] [illegible] [illegible] seminat

a fauore de Toschi, et [illegible] [illegible] Grane

dal Pretor Relato [illegible] [illegible] onde

venuta [illegible] [illegible] da [illegible] deue [illegible]

esser da [illegible] espedita essendo [illegible]

[illegible] [illegible] [illegible] [illegible] vede[illegible]

quello [illegible] a [illegible] d. [illegible]

L'Agnate non può esser posta in [illegible] [illegible] e [illegible]

di già [illegible] come a [illegible] [illegible]

[illegible] [illegible] e stato dallo [illegible] a [illegible]

[illegible] fosse obligato a [illegible] [illegible]

atto [illegible] [illegible] [illegible] [illegible] con alcuna negat.

[illegible] [illegible] [illegible] nel quale [illegible]

et [illegible] [illegible] obligatorie [illegible] [illegible] atto di

[illegible] [illegible] [illegible] ma [illegible]

dalle Publiche [illegible] [illegible] [illegible] [illegible]

Particolare dal [illegible] [illegible] [illegible]

Rotalena [illegible] [illegible] [illegible] [illegible] [illegible]

l'anno 1636 [illegible] [illegible] [illegible] 613 ver.

ali quale Retratto di Chiaro detto nominato esser in ... del q. Andrea nell'Arbore nominato et ha ... succedere dal q. Bernardino: ma se puoi maggiore si può desiderare, che il vedere, che ... invariabilmente ... admetto ad altri Retratti di Beni delle medesime Nature; che in loro Contentioz. venendo dal medesimo Retratto ... Agnati ... Beni di simil ragione da Mario di Mario ... e in Process. a car. 61 ... et ..., et da Sabbadin q. ... Venanzio ... 02 ... A. et Final. ... il ... di ... ... per Prossimità in ... effetto ... di ... ... dichiarato ... Agnati, come ... dalla ... in Processo a car. 62 ... di mano del ... che ... di quella ... in luogo di Nodo ... di simili forme ... esser ... ... et ... et quando occorresse, ... Commandatore li rilevarebbe ... di Testimonij, et di ... ...

Firmata, et ... Agnati, ... esser ... il Retratto al Processo ... reali ... in ... di lui, Agnati ... ... di ... ... et ... alcun decreto della Giustitia come ... alcuna ... ... come ... ... esser di Retratto stati abbandonati ... ... utile col dominio diretto, la che ... ...

esservi ... detta apprensione ... [illegible] imphiteotica
e intende che i Sig.ri Montiregali ... [illegible] alcun altro
diretto dominio sopra li detti Beni; anzi quello erasi
tutto consolidato nel Protasino unito al sudetto utile dominio; co-
me dagli atti e instrumenti 1590 et ... [illegible] che
il Sig.r Montiregali di quel tempo, non solo ... [illegible] in
quelli Beni al Protasino, così che tutti ... [illegible]
... [illegible] l'utile dominio ... [illegible] totalmente
distratto, et così transferitte nel ... [illegible]
l'utile, et diretto; sicché ... [illegible]
un annuo censo di ... [illegible]
all'anno, come dottamente stabilisce il Sapiens: nella
sua Pratica nella Rubr: Forma livelli ad Cottat.
et nei Relazat: al n.o 7. et resta anche ... [illegible]
~~[illegible]~~ ... nel cap. ... [illegible] de casib. ... [illegible]
nel Cap. querela de ... [illegible] mand., et ... [illegible]
de Censib. come anche ... Bart. ... [illegible]
de ... [illegible] onde le detti Sig.ri non havevano alcun
dominio diretto sopra di essi ... [illegible]
non solo ... [illegible]; ma ... [illegible] essendo ... [illegible]
... [illegible] bene ... [illegible]
riconoscere, et inglobare ~~[illegible]~~
Né dicano li ... [illegible] che i Sig.ri Montiregali fussero
creditori di ... [illegible] et che ... [illegible] anche
fusse ... [illegible] al suo censo ... [illegible]; sicché
se le intende ... [illegible] nel Processo non ... [illegible]
alcun suo credito di ... [illegible] quale se fusse
stato, ... [illegible] ricorrere alli ... [illegible]
et così provedere alla sua indemnità ... [illegible]
li Beni, et di ... [illegible]

nè vendibili come d'altrui [illegible] fece:

e dunq. si annulla l'alienatione e la vendita de' sudd.i [illegible] non si può dire che i Figli Toschi [illegible] del Contratto [illegible] danno [illegible] beni; [illegible] che [illegible] può alcuno transferir nell'altro maggior [illegible] di quello che [illegible] mà bene si deve concludere che in virtù della [illegible] fatta da Rotalena l'anno 1633 [illegible]; onde il Retratto non può esser [illegible] Agnato [illegible] ordine [illegible] Toschi, che Rotalena non [illegible] vendute, mà [illegible] ragioni nel [illegible] 1633; imperoche [illegible] che [illegible] erano [illegible] quali [illegible] restituiti

Mà mi dichino per gratia i Toschi, che con tanta [illegible] fede loro intendono questo Retratto.

[illegible] alienatione di questi Beni [illegible] fatta [illegible] Forma [illegible] operare di questo [illegible] quando volontariam.te Rotalena [illegible] dati [illegible] [illegible] [illegible] [illegible] [illegible] certo no; [illegible] volontariam.te [illegible] dati [illegible] non potrebbero loro esser [illegible] da [illegible] Agnato [illegible] che [illegible] che non [illegible] anche loro [illegible] alienatione illegittima, [illegible] [illegible] maggiore [illegible] di quello avverrebbe se fusse legittima, quando [illegible] [illegible] Retratto

Rubr. 92

Ho in oltre [illegible] le parole del Statuto, [illegible]
il cap. quilibet qui se contra emet [illegible] in modo [illegible] contra
in [illegible] acquiret vendere dare [illegible]
[illegible] ex Agnatis [illegible] Et dico, che
havendo li SS.ri Montevecchi a tuo modo [illegible]
aperti questi beni per ragione [illegible] [illegible]
[illegible], siamo più tosto da [illegible] [illegible]
a ragion di sangue, tanto più essendo [illegible]
ingiusta:

Considero [illegible] altra [illegible] [illegible] di [illegible]
et [illegible] che [illegible] la ragion [illegible] del Statuto
[illegible] [illegible] admetter li Agnati al [illegible]
de beni dell'altro Agnato è [illegible] stabilito [illegible]
conservino più che [illegible] [illegible] nelle Famiglie:

Et ultim.te le [illegible] che questi sono [illegible] [illegible]
[illegible] ad [illegible] [illegible] che è [illegible] [illegible] [illegible]
[illegible] [illegible], ma [illegible] [illegible] [illegible]
è giusto che [illegible] nelle [illegible] [illegible] famiglie [illegible]
Et che [illegible] Agnati [illegible] questi [illegible] [illegible]
estranio; Si tratta di causa [illegible]
Parte di [illegible] [illegible] trattandosi [illegible] [illegible] beni
in una famiglia; ne si giudicha [illegible] alli
[illegible] [illegible] [illegible] restituisca il suo Prezzo [illegible]
[illegible] Contanti, ne [illegible] [illegible] [illegible] [illegible]
[illegible] Manzi, et altri Animali; [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
diretto dominio [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]; [illegible] Agnati
[illegible] [illegible] esser [illegible] [illegible] [illegible] [illegible]

et di rilevanza anche havendo per tutte le cose.
Il Statuto parla chiaro per l'Agnati, anco che
attentione fosse stata valida per li recorsi;
onde deve essere da Ecc.mi dechiarato a favore
del Pleabante; come Vaniamente giudicò anco
l'Ecc.mo in suo Precettone ad istanza del Procett.
et con quella Maturità, che è propria di loro Ecc.mi
Attestori.
(immancabilmente [illegible] et [illegible] nelle sue [illegible] e Prove delli
[illegible] [illegible] [illegible] et ecco questo Pleabante
Ricenato; onde altro non resta, che d'essere [illegible]
tanti dispendij, aspettando io a [illegible] et [illegible]
[illegible] così essere la ragione [illegible]
Stato loro di Ancati [illegible] dalla Porta [illegible] [illegible]
[illegible] ingannato in questo [illegible] [illegible] molti [illegible]
cavati da [illegible].)
[illegible] comune conned. [illegible], [illegible]
[illegible] a favor [illegible] [illegible] di [illegible]
[illegible] [illegible] benef.o del retratto ne beni
[illegible] di Rosalemeo [illegible] sue Agnato, [illegible]
[illegible] [illegible] è, [illegible]
contratto di [illegible] [illegible] quella riserva di censo
[illegible] delle [illegible] di [illegible], et [illegible] di censo, perche
[illegible] dipende dal compratore la facoltà di fran-
carsi del censo riservato, il contratto è di [illegible]
[illegible] di altra specie, come [illegible]
[illegible] C. de iur. emphyt. ove il [illegible]
[illegible] [illegible] [illegible] del censo
[illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] 2599 [illegible] a favor

del

compratore, che esborsò il danaro, et li fu dato [illegible]
facoltà di [illegible]
l'atto [illegible]
[illegible] agiati [illegible]
nell'istessa sua ragione. —

Et perche li Sig.ri Morergali gl'avevano [illegible]
[illegible] beni, [illegible]
havevano ragione [illegible] ricorsi; questa è sopra
pura intentione [illegible] l'autorità del [illegible] a' cui
si doveva far [illegible] all'acquisto [illegible]
[illegible] d'invano, ò a loro adiudicat[illegible]
necess.ria, [illegible] quietanza haver me
trovato haver a [illegible]
[illegible] l'anno 1633. [illegible]
[illegible] prender il ritratto, [illegible]
delli [illegible] anni, [illegible]
altro prescritto. —

Sendo dunq. il [illegible] delli [illegible] originato dalla [illegible]
[illegible] di [illegible] dal pagamento fatto de [illegible]
[illegible] Morergali, il ritratto è [illegible]
è appoggiato alla parole della legge [illegible] onde
[illegible] dall'ecc.mo [illegible] in quello [illegible], et [illegible]
Quilibet, qui de Cabreo [illegible]
Modo aliquo accipiat, [illegible]
[illegible] aliquo [illegible] adiudicat.
di [illegible]

l'aggrav.e è provatiss.a p. la confess.e [illegible]

[illegible], havemo [illegible]

[illegible] della [illegible] in [illegible]

contra [illegible]

[illegible], che non dà luogo

di impugnat.e come decide la l. pa[illegible] de confes

[illegible]

[illegible] anco qui, la qual prova essendo [illegible]

concludente è ammessa da Dottori ne fatti [illegible]

[illegible] de testimoni [illegible]

[illegible] del fatto [illegible]

[illegible]

[illegible] questo [illegible]

[illegible], onde [illegible] p. la confess.e [illegible]

dalle sub.re scritture [illegible]

[illegible] Gerolamo Cessionario

[illegible] ammettendosi [illegible] fatto [illegible]

[illegible] come si prova [illegible], et

[illegible]

[illegible] procurare

in questa causa di [illegible] fatto [illegible]

fatto [illegible]

in [illegible]

[illegible]

Agunt Nobb. DD. Ioan. Franc., in [illegible] Angoni contra D. Nicolaum Bonichinum [illegible] Albatinus de Forlivio [illegible] tamquam contra Vrsinos ~~Bonon.~~ Possessores, et emptores Bonorum q. Ioan. Pelitti de Modena; et hypothecarie petunt vel relaxari Bonorum [illegible] contentorum, vel molestari ~~[illegible]~~ [illegible] 1560 [illegible] pro [illegible] 60, et hoc faciunt vigore eorum [illegible] 1586. 6 marzi

[illegible] huiusmodi actionis [illegible] exceptiones [illegible] de [illegible] tamen opponunt DD. Albatinus et Bonichinus [illegible] negantes esse Vrsinos Bonon. Possessores [illegible] Possessio [illegible] [illegible] de [illegible]

Licendum videtur Nobb. DD. Angoni [illegible] obtinere posse et debere ad [illegible] in de [illegible] hypotheca [illegible] constat

[illegible] Primis minime obstantibus Licendum [illegible] fore, [illegible] tenimus [illegible]

Ad [illegible] creditores admittuntur [illegible] debitores quod in primis exceptionis [illegible] debitores [illegible] eorum [illegible], et quod [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] ubi [illegible], et [illegible] ibi in [illegible]
bonis eius [illegible]; [illegible]
de [illegible] [illegible].

[illegible] [illegible] [illegible] actione reali
sequestrationis [illegible] [illegible]
[illegible]
[illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] imperii [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] competentes d. d. Brunichio [illegible]

[illegible] ex regulis [illegible] minore [illegible] et majori [illegible]

d. d. Bibeltij d. d. Brunichio [illegible] Grande [illegible] de [illegible]

finalis pro quibus [illegible] [illegible] 2° [illegible] majori [illegible]

d. Bibeltijs [illegible]

2do est [illegible] possunt agere [illegible]

possessores, [illegible] quod [illegible] principalis debitoris, et [illegible] nominare [illegible] 1586. 6 Mart. [illegible]

3° [illegible] agi [illegible] contra [illegible] Bonorum possessores, [illegible] nominando alios possessores Bonorum emptores, [illegible] principali [illegible]

[illegible] originali agere [illegible] Brunichio [illegible] contra Tertios possessores 2° de [illegible] alios debent [illegible] conventione [illegible] quod Bona nominata [illegible] principalis [illegible] [illegible]

Possessori [illegible] [illegible] de [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 16 [illegible]
[illegible]

[illegible]

[illegible] : sed in [illegible]

[illegible]

[illegible] sed tantummodo [illegible] quod excluditur [illegible]

[illegible] quam [illegible]

[illegible]

[illegible] est concludendum [illegible]

[illegible] ontinet in se [illegible]

[illegible]

[illegible]

[illegible] multa [illegible]

[illegible] ita [illegible]

[illegible] et [illegible]

[illegible]

[illegible] ansando [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ai petierunt [illegible]

Unde si pro iis [illegible]

D. Antonius; cui non valebit [illegible]

[illegible] valebit profecto, [illegible]

[illegible] stabilirant [illegible]

[illegible] erit illis [illegible]

[illegible] Patria [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Amicus hic postea diu altercavit, tandem sic Actis
Retractui acquiescendo, et sic ad Ant.o Bu[illegible] [illegible]
[illegible] velle [illegible] [illegible] retract[illegible] [illegible]
[illegible] indigi; Unde videndum est an ipse ad ea
teneatur, vel an satisfieri eidem debeant:

Ant.s [illegible] retractus proposuit usque ad diem [illegible]
[illegible], Amicus autem hic loco acquiescendi retractui in
die [illegible] eiusdem mensis [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible], sed et quia [illegible] [illegible]
[illegible] [illegible]. Hae exceptiones causam dederunt
[illegible] cum tandem eas sustinere non potuerit Amicus
et [illegible] [illegible] [illegible] damnari [illegible]

Nec damnari potest Amicus hic ex eo quod [illegible]
sit [illegible] Antonij, et eidem [illegible] pecunias suas
[illegible] a principio [illegible]
retractui [illegible] non potuerat, usque [illegible]
Ant.s statim [illegible], et [illegible] a Amico ipso
[illegible] nec [illegible] [illegible] contendere, [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible]
damnari, quia ipse eius [illegible] exceptiones
[illegible] dedit [illegible] ~~[illegible]~~ a principio
[illegible] quod Ant.s pecunias [illegible] non [illegible]
in manibus [illegible] ipse statim eas
[illegible] et [illegible] [illegible] [illegible]; [illegible]
quoniam exceptiones nullius [illegible] [illegible] in [illegible]
[illegible] instantiae ex eo quod [illegible] non [illegible] in

in illa, una [illegible] modus in hoc actu [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], ut dicat
ad eo [illegible] [illegible] [illegible] [illegible]. [illegible] sint
[illegible], et [illegible] [illegible] [illegible]; et [illegible]
ad [illegible] exceptione. omnes ceciderint et
inutiles [illegible] [illegible] [illegible] ad expensas
[illegible] condemnari [illegible] temere eas [illegible]
et [illegible] [illegible], sicut et [illegible] [illegible]
debet ad [illegible] [illegible] [illegible] [illegible], [illegible]
ex [illegible], [illegible] quia nullum in Processu [illegible]
[illegible] [illegible] ad eo [illegible] [illegible] [illegible] [illegible] [illegible]
hoc [illegible]. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] nulla [illegible] [illegible] ad
[illegible] quo ad eum et [illegible] [illegible]. Unde debet ad
expensarum [illegible] quoque damnari, nec [illegible]
[illegible] ex eo anno [illegible] [illegible] [illegible] [illegible]
[illegible], quia [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]. [illegible] modo [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
exceptiones Nullitatis [illegible] [illegible] [illegible] Actionis
[illegible], Unde cum [illegible] causam [illegible] ad expensas
damnari debet, sicut et ad [illegible].

[illegible] a [illegible] [illegible]
[illegible]

2

Gl'interessi [illegible] et q[ues]ti sostra[illegible]
p[er] conseguire un certo aquisto [illegible] Consolato
et [illegible] Serenità [illegible] che [illegible]
sia sequestrato in molte [illegible] quali [illegible]
a' [illegible] che a [illegible]
Et [illegible] nelle Militie di Cavallaria [illegible] sequestrati
q[ues]ti [illegible] di questi [illegible]
[illegible] la risposta, la [illegible] Porta
[illegible] contradetto [illegible] questo à
sue ragioni et [illegible] obligato à [illegible]
[illegible] ragione et [illegible]
[illegible] ragione del [illegible]
Poiche [illegible] contratati di [illegible]
trato sequestrati [illegible]
[illegible] anno 1608 [illegible]
Confessione de medesimi Confinatori [illegible]
che oltre [illegible] di quelli [illegible]
mediante [illegible] Chiesa
di Porta [illegible] al Consolato; [illegible]
[illegible] in Processo [illegible]
nel fine di quello:

1 [illegible] le Parite dell'[illegible]
ad esse [illegible] stato che quelli [illegible]
che hanno tenute [illegible], et hanno pagato à
[illegible] Porta; hanno [illegible]
nel [illegible] al [illegible]
[illegible] come [illegible]
[illegible]

[illegible]

Et finalm.te [illegible] che [illegible] anno [illegible] in tal
[illegible] [illegible] et [illegible] [illegible] ad affitto dalli
[illegible] sua [illegible] deve havere pagato [illegible]
[illegible] [illegible] [illegible] che sono registrate
[illegible] comprobato, che la mente [illegible] e che
questo non [illegible] pagare [illegible] dalli
sottoposti de Beni. Et aggiunto che [illegible] non
si deve attendere il corso del tempo, nel quale
[illegible] scorso; ne quella [illegible] giudicata [illegible]
[illegible]; [illegible] [illegible] [illegible]
[illegible] [illegible] le negligenze [illegible] [illegible]
Et la [illegible] [illegible] Precettori [illegible], non
[illegible] [illegible] [illegible] derogare, [illegible]
[illegible] Ragione che [illegible] de Beni [illegible]
[illegible] affitto:
[illegible] incontro la V. che mediante [illegible] [illegible]
[illegible] del sequestro [illegible] portato; che questo
è [illegible] terreno, [illegible] sono quasi anni
200 [illegible] [illegible] [illegible] exattore [illegible] pagare
[illegible] [illegible] [illegible]. Che ancho che [illegible]
[illegible] pagato non havere [illegible] [illegible]
alcuno [illegible] ragioni [illegible] [illegible]
[illegible] che finalmente [illegible] [illegible]
è nulla, essendo stata [illegible] [illegible]
li Compossessori d'essi Beni, come è necess.o [illegible]
[illegible] [illegible] di [illegible] li Beni ecclesiastici
quali sono [illegible] [illegible]. Et ancho che non [illegible]
[illegible]; che [illegible] [illegible] Corte [illegible],

quelle che erano in [illegible] [illegible] fra [illegible] dieci
anni, [illegible] conveniva, che incaminasse il suo
[illegible] Petitorio, omesso il Possessorio.

[illegible] [illegible] [illegible] parte [illegible] [illegible] [illegible]
L' [illegible] [illegible] [illegible] Lanena pagar
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
Li Lanena sempre stati [illegible] [illegible] [illegible] Lanena
fatti li Pagam.ti come [illegible] d'Elio nato. [illegible]
[illegible] Li Lanena [illegible] [illegible] quelli Lanettera continuati
le Cinquantene d'anni nei Pagam.ti quando no
vi fusse stato [illegible] [illegible] [illegible], et [illegible] vi fusse
Concorso il Contento de [illegible] di d.o Loco Pio;
Che li Pagam.ti d'questi tali sono stati legitimi
et [illegible] [illegible] li Possessori [illegible] [illegible] [illegible]
[illegible] [illegible]. Poiche [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] d.i Beni come
[illegible] [illegible] [illegible] delle V. [illegible] [illegible]
[illegible] [illegible] come [illegible] [illegible] [illegible] [illegible]
[illegible] fondam.ti [illegible] [illegible] [illegible]; che [illegible] [illegible]
[illegible] [illegible] validiss.me [illegible] [illegible] [illegible]
Beni [illegible] dal [illegible] [illegible] [illegible]
Sede Pattale; [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] delle [illegible]
[illegible] [illegible], et in Consequenza a [illegible]
Li [illegible] [illegible] [illegible] [illegible] prerogative [illegible].
Onde [illegible] come quello [illegible] [illegible] [illegible] [illegible]
Compossessori, [illegible] [illegible] [illegible] questo [illegible]

Che finalm.te in quanto all'ordine del giud.o non si
doveva attendere, mentre che portavano anche
il Possessorio per le ragioni più avanti addotte.
Ma si doveva riflettere; che veramente il mali, che
[illegible] fussero al comunicato, [illegible]
obligati [illegible] la mente
di questo [illegible] stretta [illegible]
Procuratore, [illegible] queste ragioni, [illegible]
[illegible] et eccettioni [illegible] Ill.mo e R.mo [illegible]
di Calabria [illegible] apigliandosi all'ordine,
[illegible] Avocati il [illegible] Patrale, [illegible]
[illegible] a quella [illegible]
[illegible] dechiarandosi [illegible] di quella
regiuridica degl'Economi [illegible] sono stati in tempo
[illegible] Procuratori [illegible]
a giudicare [illegible]
[illegible] ordine. Perche [illegible]
aggiustare, et rintegrare [illegible] l'Ultatione [illegible]
[illegible] erano [illegible]
[illegible] non si potranno [illegible] obligare
[illegible]
[illegible] che sono di venti, et più anni, [illegible]
si desidera [illegible]
Avocati [illegible]
si potrà ottenere il [illegible] sentenza.

In facto Fideicommissi D.ni [illegible] [illegible] [illegible] instituto
a M.co D.nis [illegible] et q.ue [illegible] cupientes [illegible] in [illegible]
. d.cti Fideicommissi [illegible] M.cte Ludovicæ eius [illegible]
natæ ex familia [illegible], et ex ea [illegible].
Morte d. Annæ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] d.cti Fideicommissi [illegible] [illegible] [illegible]
[illegible] ad Bona eiusdem fideicommissi [illegible]
[illegible] admitti, [illegible] d. Anna [illegible]
[illegible] ab eius successiis testamentos fore d.cte d. Ludovicæ [illegible] Testatore
d.cti fideicommissi, post mortem [illegible] [illegible] [illegible]
Ad id, [illegible] et [illegible] [illegible]
cum nulli dubium est quod Testator [illegible] ordinat fideicommissi
[illegible], et [illegible] illis verbis, et [illegible] de
hærede in hæredem ad proximiores ita quod [illegible] fideicommissi
[illegible] per ex ipsis descendentibus [illegible] nec valeat [illegible]
[illegible] ~~[illegible]~~ exclusis de
d.ti [illegible] Bonum [illegible] [illegible]
Attinentibus
Omnia [illegible] verba cuiuslibet Testamenti [illegible] effectum operativo debent
aliqui [illegible] [illegible] [illegible], et [illegible] de
leg. at. [illegible] et Cravett. Cons. 135 n.o 20, [illegible] illaba [illegible]
[illegible] debet [illegible] [illegible] et Bald. in L. [illegible] de [illegible]
inst. Cons. Cravett, Cons. 129 n.o 4 et [illegible] Cons. 129 n.o 4.
[illegible] in Testam.to [illegible] [illegible] familiæ [illegible]
[illegible] plene [illegible] in illis [illegible].

Hæredes Universales [illegible], et de [illegible]
[illegible] de [illegible] [illegible]
[illegible] [illegible]
nec [illegible] ex ipsis [illegible] [illegible] gradibus
[illegible] ex [illegible]
[illegible] absque [illegible] naturalis alios [illegible]
[illegible]

substituens unum alij, seu alijs, vel alium seu alios, alij appellatione namq. filios, nepotes et nepotes, pronepotes, et ceteri ex eis descendentes Dum testator de filijs, et nepotib. locutus est, et disposuit in aliquo futuro eventum, cuius tempore posset contingere, quod filij qui non extarent sic sensit, et concludit Imola in leg. Gallus ~~[illegible]~~ § et institutos ~~instituta~~ ff. de liberis et postumis. et tex. in l. Lucius digesti de heredib. instituendis eumq. secuntur comuniter doctores in loco supra citato. Idem ijdem firmat socinus iunior in consilio 114. N° 31 lib. 1. Vnde cum masculis proximiorib. fuisset à testatore relictum erat, ut et femineo sexui prospiceret propterea addidit illa verba

et successive de herede in heredem:
ad proximiores

Que verba certo certius referrant et important successionem feminar., tam ex sui natura, tum et mente testatoris, tum et ne ociosa evadant, ut Primis dixi ex sui natura quia verbum heredis simpliciter prolatum in testamentis complectitur tam mares quam feminas ~~tum et mente testatoris~~ secundum textum

Adiunxi quod ex mente testatoris provisionem feminei sexus induceant, quia cum testator, in vocare voluit mares tantummodo se declarant faciendo ad illud verbum heredis, verbum masculis; Vnde quotiescumq. in hac posteriori eius dispositione exclusisset tantummodo masculos vocare, utiq. hoc dixisset verbis expressis [illegible] fecerat; verum quia et feminas venire voluit extincta linea masculina ad eius hereditatem, ideo vocavit heredes absq. adiectione masculinitatis, ut inde eius [illegible]

clara ~~dare~~ desumeretur, quod clarius et expri... ... in illi
posterioribus verbis in testamento postremo loco adiectis, ~~in quod~~

Ita quod nullus predictorum heredum
et etiam ipsis descendentium possit aliquo
modo de dicta hereditate alienare
in preiudicium suorum attinentium

Verbum .n. attinentis latius tam ad femininum quam ad masculinum
sexum se extendit secundum text...

Unde quod ad fidei comissum testator ~~raifinbergos~~ raifinbergus
noluerit venire et feminas easque vocarit, est extra dubitationem.
Hoc firmato sentio secundum dominam Lodovicam admitti ad dictum fideicomissum [illegible]
bene, ~~tamquam~~ a testatore vocata ~~sed~~ neque et, ea circa sententia[illegible]
ne nec potuerit expelli a domino ~~...~~ ~~etiam~~ ~~eidem restituendam fuisse~~
~~et se dictam hereditatem cum fructibus~~ quod mortuo domino Ioane
soletto eius fratre debuisset et debuerit ipsa in fidei commisso ...
~~...~~ statim ... : ad id sentiendum pluribus moneor: remitto
quod pertractatur, et sumus in fidei comissi extranei non autem
ascendentis; Unde ad verba testamentis solummodo non autem ad con
iecturatas divinationes affectionis et dilectionis, est recurrendum
ijs premissis pro mea opinione firmanda facit textus in legge
cum ita parag. in fidei comisso de legatis 2.º in legge finalli
codice de verbo de significatione et Bartolus in ...
cognatis verticulo ... quo ordine digestis ie reby. dubijs
quibus in locis firmatur quod in fidei comissis primo loco
nominati alijs preferuntur.

Verum in fidei comisso raifinbergo domina Lodovica regenti
constituta neque nominata in eodem grado in quo reperiebatur
dominus Ioanes Iosef et in tantum cum eo ad fidei comissum
non venit in quantum testator mares dilexeerat eosque ad fidei
comissum feminis exclusis vocarat donec extarent ... fuit

Nova fuit autem per mortem domini Ioannis iuxta ultimi masculi
[illegible] prerogativa heres fidei commissi in feminas devenit
Unde cum ex eis domina Ludovica uti proximior in gradu prius
sit vocata quam domina Anna, utique et eidem praeferri debebat, et
debet [illegible]

Quod singulariter et probatur, ex eo, quod non ultimo gravato, sed
testatori succeditur secundum textum in legge cohaeredi [illegible]
cum finis versiculo ne fidei commisso digestis de vulgari et
pupillari quia fidei commissarius ad substitutus, ut est domina Ludo
vica simpliciter testatoris heres apellatur, secundum textum ut
desumitur ex textu in lege [illegible] cod quando et quibus quarta pars
debeatur lib° 10 [illegible] pro ut debet attendi

modo autem, si persona testatoris attendatur, de cuius successione agi
tur, patet dominam Ludovicam eidem in proximiori gradu esse, quam
dominam Annam cum in parvis [illegible] extaret, cum fratre [illegible] in
suo in hereditatem non fuit admissus ratione praedilectionis testa
toris ergo masculos [illegible] demptos masculos lineae domina Ludovica
prius ex feminis debet admitti uti in potiori gradu constituta

Pro [illegible] mea sententia firmando, facit et quod in fidei commissis non
admittuntur nepotes ex fratre cum patruis ad successionem, sed
patre [illegible] [illegible] excluduntur prout notabiliter concludit
Baldus in lege [illegible] fidei commisso in fine de legatis
[illegible] Ubi reprobat glosam [illegible] videtur contrarium concludentem, et
opinionem Baldi sequuntur ibi Rafael [illegible], et Gloriana [illegible]
1° Petro, Aretinus, et hoc idem tenet
Angelus Aretinus in [illegible] filiis natis de hereditatibus quae
ab intestato [illegible] [illegible] dicit ista regula, ibi dicit regula [illegible]
posita in [illegible] cum filius quod filius succedat in locum patris
[illegible] habet locum quando succeditur titulo hereditario secus autem
quando titulo fidei commissario, et ratio est secundum Baldum

[illegible] in [illegible] [illegible]

[illegible] quod [illegible]

[illegible]

[illegible]

[illegible]

[illegible] rectitudinis simpliciter, quod

7° quod [illegible]

[illegible]

[illegible] ad [illegible]

[illegible]

[illegible]

[illegible] quod [illegible]

[illegible]

[illegible]

Nota quod nil derimus aliquem dicendo quod est in semel exclusus, unde semper debeat remanere ex quia primo respondet quod usque etc. ... fuit exclusus ... postius vocatus, et admittitur ... cum effectivam ... item tamen (donec scilicet ... verificetur nomen ...) interim stat in vinculo.
Vide de ... tom. ... fol. ... 6 ... eadem

Nota ... est individua ... transversalis, sed descendens ... ad illud ... quia licet ... post ... ipsi, sed testatori succedit ... 1298 ... unde ... de ... ab eo, descendens vocari de ...

quod fideicommissum ... quis intelligitur ... successive, gradatim defertur ... qui ult. ... sunt ... ut ... casus in l. ult. cod. ...

Hec ... positiva sunt ... quod Fideicommittens vocaverit ... Naturalis ... quod semel exclusus ... exclusus in casu ... et quod ... succedat testatori ...

Fideicommissarius ex substitutus ~~efficitur quodam~~ heres ... testatoris l. ... cod. ... Rebe. lib. 10

Nota quod ne ... sententia ... individual ... succedere ... ea ... mea sententia ... excludi ...

...

Mortuo [illegible] [illegible] eius grave [illegible] [illegible]
in fideicommisso succedere. [illegible] id intelligi [illegible]
[illegible]

Et P° [illegible] agitur et tractatur de Fideicommisso
extranei [illegible] [illegible] ~~[illegible] affectu~~
[illegible] solummodo verba sunt [illegible], non autem ad
conjecturas et [illegible] affectionis est recurrendum

2° [illegible] quod in fideicommissis Primo loco nominati aliis
[illegible] [illegible] in L. ad [illegible] de [illegible] 2°
in [illegible] cod. de verb. [illegible], et not. Bart. in L. [illegible] Cognatis
[illegible] quo ordine [illegible] de [illegible]

[illegible] in [illegible] [illegible] extincta [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ; [illegible]
familiae [illegible] [illegible] Prius a Testatore nominata
[illegible] [illegible] ~~[illegible]~~
admitti ad fideicommissum

[illegible] et [illegible] ex eo quod licet alias filij
[illegible] ingrediuntur ut in [illegible] ad filios [illegible] de [illegible] ab
intestato [illegible] testate cod. de [illegible]
[illegible] in fideicommisso de quo agitur [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] admittuntur nepotes ex [illegible] ad
[illegible] ad successionem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in fideicommisso in
[illegible] de [illegible] 2 [illegible] [illegible] [illegible]
[illegible] [illegible] Bald. [illegible] [illegible]
Flaviis de [illegible] [illegible] Arct. n. 1.

... filius in ... Deinde ita ... Vo. dicit quod
... in d.° ... ad ... quod ... in locum
Patris, habere locum quando succedit iure ... ...
quando titulo fideicommissario et ... ... in d.°
in fideicommisso quia succedens iure hereditario considerat
dispositionem ... ...
... fideicommiss. considerant ... ... quae ...
vocant ad successionem; ... ...
... considerationis ... ... lib. 2, et in cons. 124
n.° 7 4 et 9 ... 5 ... ...
... ex dispositione ... ... succedere ...
... ~~... ... ...~~ ... ...
... de successione ... ...
... ... gradus ...
... ..., ... habeat ... ad ... ...
... ... gradu ... ...
... succedere debent ... ... hereditas ...
... ...
..., quia in tali fideicommisso succedit ...
... ...
... ..., et ... ...
... ... succedere ...
... filia ... ... alios ... ...
~~...~~ ... conclusio ... ... in a ...
quod ~~...~~ ... ... fideicommissum.
... ...
... ~~...~~ ... ...
... ... ad fideicommissum ... ...
... ..., et ... ad ... ...
... ... fideicommiss.
... ...
... ..., ...

Modo [illegible] morte [illegible] [illegible] expirauit
[illegible] [illegible] [illegible] [illegible] Sedius, et
[illegible] [illegible] deuenit; Unde [illegible] ~~debet~~ [illegible]
[illegible] ~~[illegible] [illegible] vocatur~~ [illegible] vocatus est [illegible]
[illegible] Proximior [illegible] [illegible] ut [illegible] debeat attendi
[illegible] [illegible] Testatoris, et [illegible]; [illegible]
[illegible] in Testam.° [illegible] Vniuersales instituit [illegible]
[illegible] nobis [illegible], et [illegible] partes
[illegible] [illegible] quaestione de [illegible]
Proximiores [illegible] Verba deuent [illegible] ad Testatores ad [illegible]
[illegible] de [illegible] quaestione [illegible], [illegible] ad [illegible]
[illegible] Proximior [illegible] censeatur vocatus

& Christianl et & Ant ... Brachach & Conradi ...
et & Ioa fund fid, et ... dict. ... nec non filios
mares ex ipsis & ... Ant. filiis nascituros.

... cuilibet ex ... realibus morient. ...
... aliqs vel aliud seu alios ... aliq ...
... et ... simulliter ...
... in testator in aliquo ... et necessarij
Unde masculinis ... a testatore ...
propterea erat ut ... masculini sexus ... unde
... et successive de herede ... ad proximiores
que verba ... importent successionem ...
... ad sexum femineum, non applicantur
quod non est ... Hoc ... et testator
dixerit et successive de herede in heredem ... masculini ...
... fuisset ... masculos vocare, ... fecerat ...
... in fideicommissis ... ordine intestato ...
successionis Peres de fid. art. 30 n. 27. simpliciter quod ... mares ... feminas ...

... quo tempore ... quod ...
filij ... instituens ... de lib. et posthum.
... lex ... de hered. inst. ... sequuntur ...
... ibid ... n. 3 ... n. 4

Nec dicatur quod ex quo ... extrane ...
... de familia, ideoque ...
non sit admittenda, quia ... quod ...
... fideicommissis ... ordinatis pro conservatione
... in familia, ... masculos ... testat ...
... est dubitandum, cum testator ... vocaverit
... ut ... extraneum licet
... de familia ...
... debet ut late Peres de fid. art. ... n. 27 ... et ...
... voluntas ... fideicommissis ... Bart. ...

Saec. fuij, et in cat de tact cui in
Senior. Cons. 59 ant. Prima n°. 50, et alij
Peregr. angelus loco sup.

— quo aut c[illegible] Anna [illegible] intelligas
[illegible] videtur, ne in [illegible] i uultimis
[illegible] mutio ... [illegible]
[illegible] de can[illegible] tis in substitutione [illegible] proxim
[illegible] illis dt. [illegible] uocat [illegible] cont [illegible]
in [illegible] tamen in eam fidelicommisso
[illegible] [illegible] in gr [illegible], et in h.
[illegible] SS [illegible] fid[illegible] et fin Cod de [illegible]
[illegible], et est [illegible] traditio [illegible] Cons. 126
in 2° nec [illegible] quia ad [illegible] [illegible] sit in [illegible]
conditione, [illegible] ord directus a [illegible] legali, censet
[illegible] fideicommisso [illegible] [illegible] ordine [illegible]
in Caute intelligatur sic firmat [illegible]
de SS in fideicommisso [illegible]. Paul. [illegible] et [illegible]
[illegible] Ultima cons. [illegible] 30 in 3.
[illegible] lane ex [illegible] ultima [illegible] regula, quia
successio [illegible] ex mente [illegible] [illegible] sui ad
[illegible] [illegible] de [illegible] Dicit, et qu
[illegible] ulli quod [illegible] punit Baid. in h [illegible]
aqui. Saied. [illegible] ne [illegible] et uiste [illegible]
[illegible] [illegible] ordinale, [illegible]
est [illegible] [illegible] testatore ex voluntate
[illegible] ut mutatur
Contrat aut. Adam [illegible] ab intestato [illegible]
ex grad [illegible], ad nullus fit [illegible] [illegible] unde ib.

Ex tra. [illegible] ~~[illegible]~~

[illegible] quod [illegible] in suo [illegible]
[illegible] facta [illegible]
obliquam [illegible] si quidem [illegible]
ff. de lib. et posth.: Modo aut [illegible] obliquam [illegible]
nec [illegible] admitti potuerit, aut a [illegible]
[illegible]

Hoc obiectum [illegible] dicendo quod [illegible] in [illegible]
[illegible] in ea, [illegible] vocat
ut in [illegible] diversaru
graduu, neq [illegible] sufficiebat [illegible]
[illegible] ex [illegible] dictaru [illegible] omnes
ex [illegible] sexus, data [illegible]
[illegible] vocatos [illegible] omnes
[illegible], et eodem tempore [illegible] conveniat [illegible]
[illegible] alius vocatus fuisse [illegible] expresse [illegible]
de testo., inde [illegible] admitti quia [illegible]
[illegible] substituti [illegible]
[illegible] nemine [illegible] fideicommissi [illegible] deberi
vocat [illegible] ad eos [illegible] ad [illegible]
[illegible] ut [illegible]
[illegible] ff. ad Trebell. et quod [illegible]

~~[illegible]~~

[illegible] in testo [illegible]
[illegible] omnes [illegible] descendentes ad
substitutione aliam [illegible] graduu [illegible]
[illegible] substitutio se habet ac [illegible] diversaru
[illegible] ~~[illegible]~~
[illegible]
~~[illegible]~~ [illegible] ne [illegible]
[illegible], [illegible] et [illegible] fideicommi. [illegible]
[illegible] art. 18 n.o 5 et n.o 12 [illegible]. Berti. [illegible]

[illegible] quod [illegible] [illegible] [illegible] de Agnatione ex [illegible]
fuit nupta extra familiam, quia una [illegible]
nō [illegible] tali, [illegible] [illegible] Eminentissimi [illegible] [illegible]
non [illegible] et [illegible] [illegible] ad [illegible] [illegible]
[illegible] ab eius Parentibus, [illegible], [illegible] [illegible]
quod certe nō [illegible] [illegible] nō [illegible] dici
de agnatione

At [illegible] [illegible] nō [illegible] [illegible] [illegible] exclusa in
[illegible] [illegible] quia statuto excludens fœminas à successione
[illegible] extantibus [illegible] [illegible] [illegible]
[illegible] vel [illegible], sic [illegible] [illegible] tractatus de
hereditate extranei: [illegible] statuti [illegible]
Fideicommissi [illegible] est attendendum, [illegible] [illegible]
[illegible] primi Masculinam lineam deficere [illegible]
succederent [illegible] [illegible] [illegible]
voluerit eius [illegible] [illegible] de [illegible] [illegible]
Cons[illegible] ad filii ~~[illegible]~~ [illegible].

Filia dotata [illegible] [illegible] statuto excludat
[illegible] [illegible] [illegible] ius succedendi
[illegible] [illegible] [illegible] [illegible]
in Causa circa [illegible]

Fœminæ in matrimonio [illegible]. [illegible] Privilegii [illegible] que illas
[illegible] [illegible] [illegible] fœminis [illegible] [illegible] [illegible] [illegible]
tenetur [illegible] a [illegible] [illegible] [illegible] [illegible] in L. ad
[illegible] [illegible] [illegible] [illegible] [illegible]
in L. [illegible] 132., et [illegible] [illegible] in L. 3
n° 134 [illegible] [illegible]

~~[illegible]~~ de Successione

[illegible] ~~[illegible]~~ exclusae quo casu ~~[illegible]~~ à Testatore [illegible]
[illegible] non foemina [illegible] ... [illegible] exclusa
[illegible] existentia masculi [illegible]
[illegible] facto [illegible] ut in casu [illegible]
sed temporanea ~~[illegible]~~ est exclusio [illegible] ~~[illegible]~~ masculorum
[illegible] nasc[illegible] masculus [illegible] [illegible]
[illegible] temporalis [illegible] donec masculi [illegible]
[illegible] ad [illegible] omnis [illegible] communiter [illegible]
[illegible] Paulus [illegible] 85 n.° 32 n. 2.

[illegible] ulterius quod [illegible] qui ~~[illegible]~~
masculos de familia [illegible] exclusis foeminis [illegible]
[illegible] et [illegible] de qua [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible]
[illegible] familia [illegible] [illegible]
[illegible] de [illegible] ~~[illegible]~~
~~[illegible]~~

[illegible] collectivum vocant [illegible] simul masculi et
foeminae (ut [illegible] masculis [illegible] in quo [illegible]
[illegible] habeant, ut [illegible] foemina [illegible]
foemina [illegible] exclusae, sed temporanea donec masculi
exstitit [illegible] [illegible]
[illegible] Peregr. de f.d. art. 27 n.° 21

[illegible] ad [illegible] ne dum masculi sed foeminae [illegible]
[illegible] masculinis [illegible] foeminas [illegible]
debet [illegible]

[illegible] ad [illegible] foeminae [illegible] vocatas [illegible]
[illegible] admittenda fore [illegible] evenerit [illegible]
[illegible] praecedenti [illegible] descendentes [illegible]
deinde [illegible]

Sic aut descendentes nd extant, [illegible] [illegible] cendentes [illegible] aliis aut nullus [illegible] [illegible] z°

Addo quod [illegible] omnimode [illegible] [illegible] ad [illegible] de descendentibus Antonij et Nicolai [illegible] et sic de uocatis ad huius mares nd extant [illegible] nd extant.

[illegible] O. Ludouica debebat [illegible] uti uocata, ad [illegible] [illegible] dicto statim [illegible] O. sua [illegible] eius [illegible] exclusa O. Anna quia [illegible] in successione attendis fideicommittens ad [illegible] succed. ; Unde ad attento fideicommittente O. [illegible] ipsi in Proximiori gradu [illegible], et in eodem gradu [illegible] O. sua [illegible] [illegible] [illegible] Prius deberet [illegible] ad [illegible] [illegible] [illegible] exclusa [illegible] O. [illegible], in quantum [illegible] [illegible] Mares eorum [illegible] donec extarent uocatos [illegible] exclusis [illegible] aut [illegible] O. sua [illegible] [illegible] [illegible], fideicommissum [illegible] feminas deuenit [illegible] uocata est O. Ludouica, [illegible] dixi nd debere attendi O. [illegible] [illegible] mortuus [illegible], et Fideicommissum [illegible] [illegible] agis

Considero

[illegible] [illegible] regula [illegible], quod ad [illegible] semper reperiatur exclusus [illegible] O. Anna, [illegible] utique semper exclusa reputari debeat, [illegible] [illegible] O. Ludouica potuisset a O. Anna excludi [illegible] ipsa proximior in gradu sit [illegible] [illegible] debeo [illegible] [illegible] [illegible] [illegible] a die mortis O. [illegible]

Quod aut fideicommissum se extendat ad feminas est [illegible] concludendum quia omnia uerba testamenti [illegible] accipi ad effectum operatiuo [illegible] l. [illegible] ubi Bart. et ceteri not. [illegible] et Granett. [illegible] 135 n° 2 [illegible] nec syllaba quidem uacare debet [illegible] [illegible] et Bald. in l. [illegible] de eo quod met. Granett. [illegible] 29 [illegible] Granett. cons. 297 n° [illegible] uerbis / suos heredes [illegible] instituit [illegible] [illegible] [illegible]

Laus Deo

Decidendo causam vertentem inter Curatores Doriano [illegible] ex [illegible] Curatores [illegible] ex [illegible] appellationis [illegible] sententia [illegible] Judicem [illegible] 8 [illegible] 1653 [illegible] ad appellationem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Capitulo [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] ita, ut [illegible] sententia [illegible] Visis denique [illegible] omnibus [illegible] [illegible] [illegible] [illegible] examinibus [illegible] [illegible] [illegible] mihi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] denique consideratis [illegible] considerandis [illegible] [illegible] observationibus mihi [illegible] [illegible] [illegible] V.S. Ill.ma [illegible] [illegible] omni meliori quo possum modo [illegible] [illegible] humiliter [illegible] a quo [illegible] [illegible] [illegible] [illegible] [illegible] mihi [illegible] [illegible] [illegible] [illegible] [illegible] appellationis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

1657 [illegible] in forma [illegible]
[illegible]
obligando [illegible] terminum [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

Die [illegible] 22 Januarij 1656.

[illegible]

[illegible] Carafa
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

Et [illegible] [illegible] ex descendentibus [illegible]

Anno 1596. [illegible] [illegible] [illegible]
Fideicommissariis [illegible] fecit [illegible] in eos [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Anno [illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Fratrum [illegible] [illegible] [illegible]
nunc exhibitis ei assignandum fuit [illegible]
Affirmandum bonum stabile [illegible] atque [illegible]
aeternale, quod est [illegible] notandum [illegible]
[illegible]
[illegible]

[illegible]

[illegible] nullo modo [illegible]

[illegible]

[illegible] debet [illegible]

[illegible]

[illegible] nō velit nō et [illegible] [illegible]
debet
[illegible] aut in [illegible] [illegible] [illegible] [illegible]
[illegible] nō in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Primati [illegible] ex [illegible] de [illegible]
aliquā nō [illegible] [illegible] [illegible]
n. 2 ex [illegible] [illegible] [illegible]
[illegible] [illegible] impediis ~~[illegible]~~
[illegible] [illegible] debebat [illegible]
[illegible] [illegible] [illegible] in [illegible] indicta [illegible]
[illegible] Primati [illegible] [illegible]
[illegible] habeni debet [illegible] [illegible] et [illegible]
[illegible] aliquā [illegible]
[illegible] [illegible] nō [illegible] patet ad [illegible] [illegible]
tantumodo [illegible] [illegible]
[illegible] et nō autem
[illegible] in [illegible] admittere [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] et in L. [illegible] [illegible]
[illegible] [illegible] statuto quod [illegible] [illegible]
[illegible] deberet ut [illegible] [illegible]
[illegible] et de [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible]
[illegible] quod [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] debet [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible]

~~[illegible]~~

[illegible] quod ~~[illegible]~~

~~[illegible]~~

[illegible]

huiusmodi statutum est [illegible]

[illegible] quia est [illegible]

[illegible] equitati [illegible]

et auctoritate [illegible] ~~[illegible]~~

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Unde [illegible]

et rationis [illegible]

[illegible]

[illegible]

ex [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ~~[illegible]~~

~~[illegible]~~ [illegible]

[illegible]

[illegible]

Pacta [illegible] [illegible] [illegible] [illegible] [illegible] tracta

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] 20 [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] in [illegible] [illegible] [illegible] [illegible]

nec [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

agit ad [illegible] [illegible] [illegible] ad

[illegible] [illegible] [illegible] [illegible] et [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] materia et [illegible]

[illegible] [illegible] [illegible] neq [illegible] [illegible]

[illegible] [illegible] [illegible] ad [illegible] [illegible]

[illegible] [illegible] [illegible] et [illegible]

a [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] 20 [illegible] [illegible]

[illegible] quo ad ipsum [illegible]

[illegible] et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] quo [illegible] [illegible]

Tractatus [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]

[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]

[illegible] [illegible] de [illegible] [illegible] [illegible] de

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 407

et [illegible] [illegible] [illegible] [illegible] de [illegible]

[illegible] [illegible] quod in [illegible] [illegible] [illegible]

[illegible] videat [illegible] [illegible]

[illegible] dicti [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

Noctt [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] die [illegible] maij 1551

[illegible] [illegible] [illegible] die 12 [illegible] die 27

[illegible] et in [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] 29 8bris 1554.

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] Gratia

[illegible] magis [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible]

Bona Antonelia [illegible] Vicariis [illegible]

[illegible]

[illegible] ec [illegible]

[illegible] que [illegible] recentum [illegible]

[illegible]

[illegible]

[illegible]

[illegible] cum [illegible]

[illegible]

[illegible]

[illegible]

Lect. Aprilis [illegible]

Quaestiones restitutionis ex re [illegible]
Peccatum inter [illegible] mercatores
[illegible] ex [illegible] ex [illegible]
[illegible] a [illegible] ex alio
[illegible] numquid [illegible]
ad restitutionem debit [illegible] 1643 — de
quo in [illegible] mercatores 1641. 24
[illegible] in [illegible]
[illegible] an damnum
[illegible] ad [illegible]
1439 [illegible] 12 de quo in [illegible] eiusdem
[illegible] in [illegible]
Vel an ab [illegible] debito [illegible]
[illegible] ex forma [illegible]

1. Pro [illegible] dicendum videtur dicam debere
[illegible] mercatores [illegible] qui [illegible]
de [illegible] mercatoris [illegible] mercatoris
[illegible] et [illegible] Unde [illegible]
[illegible] admittit [illegible]
[illegible]
die 5 Xbris 1643 et 8 Martii 1644.

Accedat quod [illegible]

Primitus apparebunt [illegible] in actu [illegible]

martij 160[illegible] in Processu [illegible]

dicunt se [illegible] salvo errore

[illegible] Syllabo in manu

Procuratoris [illegible]

Ex ijs tum, et [illegible] minime obstantibus

[illegible] concludo tam

ex capite ordinis quam meriti [illegible]

[illegible] circumstantias [illegible] prima

reformari [illegible] ad

Vota [illegible]

Quod vero de [illegible] et [illegible]

[illegible] esse [illegible]

[illegible]

[illegible] et [illegible]

[illegible] et exceptionibus

[illegible]

Prima actio [illegible] fuit, et est [illegible]

[illegible] 16[illegible] 29 [illegible]

[illegible] quae in [illegible]

Sed antequam ad examen [illegible] accedam
et hic ad [illegible] huius causae [illegible]
praemittendum est necesse in ordine huius [illegible]
quod cum [illegible] a [illegible], quod illius
heredes Rei ad [illegible] convenit [illegible]
[illegible] moratorias [illegible] cum habeant
eorum domicilium in [illegible] [illegible]
Et tales vocentur [illegible]
commendatitiis seu [illegible] illius officii legere in [illegible] fol. 29 ver
unde quatenus conveniri [illegible] et [illegible]
vocari deberent [illegible]
[illegible] cum [illegible] [illegible]
[illegible] ad [illegible] [illegible]
[illegible] et [illegible]

Sed [illegible] [illegible] regula quod
actor sequi debeat forum rei [illegible]
ex. [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
quatenus conveniri [illegible] vocari
deberent sequitur [illegible] quod [illegible]
[illegible] [illegible] eorum [illegible]
ad [illegible] [illegible] [illegible]
[illegible] in qua ~~[illegible]~~ [illegible]
[illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. Unde [illegible] [illegible]

eos etiam sunt ipso iure nulla tamquam
proveniens a Iudice incompetenti. Et
in istos iurisdictione non habente [illegible]

ergo exceptio [illegible] existit

[illegible] apertum vero in [illegible]

[illegible]. Et propterea [illegible]

est et indicandum [illegible]

[illegible] in indiciis [illegible]

adsunt iudex cognita nullitate ex defectu iurisdictionis
ea [illegible] tunc ea non [illegible]
et [illegible] exceptio [illegible]

20 [illegible] nunc [illegible]

[illegible] habeant [illegible]

in [illegible]

[illegible] canonum [illegible]

Communis [illegible] in capite [illegible]

[illegible] quando [illegible] nuncupata

[illegible] indiciis [illegible]

[illegible] 1623 [illegible]

[illegible] vero die 8 martii 1622 [illegible]

[illegible] a

[illegible] regimus [illegible]

[illegible] ad textum in concordia:

Ant: de nullitate Processu Rubr. de nullitate ex defectu iurisdictionis n. 5 et seq.

desierat in humanis esse [illegible]

cum contra notum [illegible] [illegible]

[illegible] [illegible] et [illegible] tempore [illegible]

[illegible] sententiam [illegible] et [illegible] [illegible]

[illegible] ex [illegible] [illegible] et [illegible]

[illegible] de [illegible] die 28 maii 1642

[illegible] 29 [illegible] [illegible] [illegible] [illegible] [illegible]

a [illegible] [illegible] [illegible] [illegible] die 29

junii 1643 [illegible] [illegible] [illegible]

[illegible] ex una parte [illegible] [illegible]

in eis.

Verum sententiam [illegible] [illegible] de mense [illegible]

1643 [illegible] [illegible] [illegible] anno 1642 [illegible]

[illegible] [illegible] cum contra notum [illegible] [illegible]

[illegible] [illegible] et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] in [illegible]

[illegible] [illegible]. [illegible] [illegible]

ad merita causae, et primo [illegible]

[illegible] [illegible] ~~[illegible]~~ capio examinanda

[illegible] [illegible] [illegible] [illegible] die 11 [illegible] 1642

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

ut in suis [illegible] exhibitis

ipse [illegible] fundus in [illegible] Moravia

editas quarum tenor et continentia

talis est;

Io [illegible] dar [illegible] Juane [illegible] d'Cranitz
habitante in [illegible] d' Moravia
a lui mandato [illegible] et
[illegible] amorevole in Vra [illegible]
[illegible] come appare [illegible]
[illegible] delli [illegible] d' [illegible]
Viena omissis

Sed aut adversus ea obiectum fuisset
[illegible]
[illegible]
Moravus ad fundandam eius intentionem
sumpsit tamen probando, ut de eis omnibus
constat ex actis [illegible] 1642 [illegible]
ex quo propterea in primis est notandum
quod Moravus ipse licet mercator [illegible]
qualis sit, fatetur eius partem [illegible]
non [illegible] sed aliis probationibus [illegible]
[illegible] esse [illegible]; Unde non partes [illegible]
probationem voluntarie assumpsit etiam

attendendae ei aut ius quod mercatoribus
dederunt se aliquibus constitutionibus, utique
concessit quod paritate et conditionis aequalitate
non obstarent. Et in summa
quoniam regulariter [illegible] mercatorum
non esse idem adhibendam probat tex.
in l. [illegible] ex [illegible] ff. [illegible] n. 27
[illegible] Cod. de [illegible] [illegible]
exemplo [illegible] inter clausulas
Cod. de fid. instrum., et in d. cap. 2
de fid. instrum. Ratio autem est, et
omnia [illegible] non debet [illegible]
mercatoris, quod [illegible]
Sed [illegible] mercator [illegible] [illegible]
pro se non credendus [illegible] tex. in l.
omnibus Cod. de testib. [illegible] nec eius
[illegible] debet. [illegible] idem
[illegible] [illegible]
[illegible] n. 2 [illegible] in [illegible]
[illegible] indicant [illegible]
Ratio autem est, quoniam [illegible] ipsorum 3
mercatorum [illegible] in [illegible]
habent [illegible]

curriculum prout quaelibet alia Signatura
Christianae, quae regulariter [illegible] eidem
[illegible] ita [illegible] 58 n.° 6.
Hic conclusio habet plures ampliationes
inter quas una est quando [illegible]
[illegible] sive [illegible] continerent
[illegible] et [illegible] ut de [illegible]
[illegible] cons. [illegible] n.° 100 [illegible]
[illegible] in [illegible]
parte [illegible] maximum ex-
[illegible] probationes [illegible]
[illegible] quae
[illegible] [illegible] ad [illegible]
[illegible]
[illegible]
[illegible] conclusiones
[illegible] et [illegible]
et quod [illegible]
[illegible] in maiori [illegible]
[illegible] [illegible] liber-
[illegible]
[illegible]
[illegible] et ut in [illegible]

regestis fol. ...
...
17. probatione Articuli quinti nihil aliud Contineri in ... Tubaldi, ... quandam fidem ... nomine ... die 20 ... 1643 ... qua ... mercator ... de anno 1640 ... merces contentas in ... cum ... consignandi ... a Roma ... qui ... illas ... Romae ... eiusdem a Roma ...
... addidit ... 1643 ... fol. 6 ... in quo ... merces ... a Roma ... 3
... in ... a Roma ... ad ...

ac sic [illegible] cognouerunt Patroni
[illegible] causae, quod haec omnia [illegible] erant
necessaria ad victoriam. Vnde in
[illegible] facta [illegible] [illegible]
haeredes a Prima [illegible] ad [illegible] [illegible] in aliam
~~[illegible]~~ [illegible] [illegible] [illegible] anni 1644
continentem. [illegible] de anno 1642 [illegible]
sunt obtentum sequestrum a [illegible] Regis
ius [illegible] [illegible] a Prima existentis
[illegible] [illegible] [illegible], et cum tandem
ab eiusdem debitoris haeredibus fuerit
creditor [illegible] ex [illegible] factus, fuit
[illegible] sequestrum [illegible]
Hunc [illegible] [illegible] ut in [illegible]
[illegible] continentia [illegible] illud idem
quod continebant [illegible] in [illegible]
[illegible] in [illegible] [illegible] inter [illegible]
[illegible] [illegible] [illegible].
Quod [illegible] [illegible] a Prima in
[illegible] de [illegible] de anno 1643
[illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible]

et mercatores venire illuc [illegible] dicere
[illegible] eius satisfactionem [illegible]
[illegible]

2° quod mos est ad mercatores et alios
mercatores omnes qui [illegible]
emunt et expediunt merces in
partibus Germaniae, quod nullus [illegible]
[illegible] cum mutuo vel [illegible] mercatores
a quo recipiendum et expediendum.

Super quo [illegible] et ceteris [illegible]
produxit testes, sed [illegible]
[illegible] nemine eorum fuit probata
ut inferius considerabo.

Ulterius produxit quasdam litteras
quod [illegible] merces [illegible]
[illegible] in [illegible] expediri
de commissione mercatoris [illegible]
[illegible] edidit quandam [illegible] 3
[illegible]
sed quia postea fuit [illegible]
falsa ut inferius [illegible]

Tu enim [illegible] particulariter enucleans et
ponderans, licet [illegible] non [illegible]
insufficientiam non esse [illegible] dubio ad
veritatem;

Quoniam ad obtinendum, non [illegible] moraliter
[illegible], quod requiritur [illegible]
[illegible] in mittendo [illegible]

quod ignoraverit [illegible] nominatim [illegible]
commissionis [illegible] demonstrare, quod [illegible]
[illegible] emittere
et
[illegible] vel quod [illegible]
probare [illegible] intercessisse, et expediendi
[illegible]
[illegible]

Item [illegible] [illegible]
et abundanti [illegible]
[illegible]
[illegible] [illegible] moraliter

Dicunt namque [illegible] in [illegible]
[illegible]
[illegible] ad [illegible]
[illegible] expedire [illegible]
ad [illegible] quod [illegible]
[illegible] et qualiter [illegible]

intentione et pro illis nego quod de
eius libito [illegible] possit retinere, et
de eis disponere

Ostendunt minus attestatio officii [illegible]
die 14 Xbris 1642 [illegible] in processu
fol. 215 [illegible] [illegible], ad ex eo
colligatur quod merces [illegible] [illegible]
transmissae [illegible], et ab eo
pro maiori parte de eis fuerit dispositum
et [illegible] [illegible] adhuc reperiebantur [illegible]
[illegible]

Contra [illegible] probatione parte [illegible]
[illegible] [illegible] [illegible] dicemus
et probamus [illegible] [illegible]
Quod [illegible] illius [illegible] 1647 [illegible]
in processu [illegible] [illegible]
Falsa per hoc [illegible] [illegible]
aperte ostendemus ut nihil [illegible]
desiderari possit [illegible] [illegible]
[illegible] nullis [illegible] [illegible] [illegible]
Sed quia [illegible] animadvertere [illegible]

inde nobis fuisse in omnibus, ea
mitigare nisi regulas quod semel maior
... [illegible] in eodem ... [illegible]
[illegible]

Tunc probationes [illegible] realiter recensis in-
[illegible] contra ea non possent quidquam
opponere [illegible] quod [illegible]
Urbis notate, ex summa acuritate
examinata, Universitati [illegible] [illegible]
[illegible] ad eo [illegible] 226 [illegible]
[illegible] [illegible] [illegible] aut
[illegible] [illegible] [illegible] [illegible]
de sua in [illegible] [illegible], ex [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
a [illegible] [illegible] [illegible] 1544.
Quod [illegible] pro [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible]

ipsius [illegible], et eisdem tamquam
propriae [illegible] postmodum per viam
executionis consignatae
Pro corollario Enim Veritatis legis ex
abundanti attestatio et [illegible]
q. d. Butor Premeri, in qua affirmant
obtinuisse pro debitis [illegible] de anno
1645 10 Aprilis ab Imperiali [illegible]
viena [illegible] merces quae erant
penes [illegible] Vuissenstein [illegible]
Pelle [illegible] Zambellorum 20 [illegible], et
negri
Pelle [illegible] damnificat.
Pelle [illegible] di Brunel [illegible]
Ultra Autem probat. [illegible] plenissime
[illegible] eorum [illegible] regestis in [illegible]
[illegible] Testes qui eorum continentiam
plenissime probarunt ut in [illegible] fol. 103
et sequentibus, et nis 134 ad 201
Unde ex [illegible] indicati [illegible]
[illegible]

Pro ut Dicit principi fuisse propriis moralibus exceptis, eo in speciali
eadem tales i ... Tiene ... in manibus illius,
et cum ipsa mille sequestrata pro
censu moralibus in eius creari, et
in solutionem illam decretante
de ... fuisse reddita ... parte ... heredibus ... et quod
ipse ... adhuc ... heredato=
res ipsa; tandemque certissimum est
et ... impugnari seu negari ... princi
... ... quod ex
... nihil habuit seu
percepit ... minus eius heredes.
Et si ... quod ...
... allegata fuerant sequestrata pro
censu ... in manibus
... respondet quod
... heredes ... de anno 1641
... pro ...
... in ...
... moralibus ... pro ...

et scta antecedi Ferdinandi 75 ; sed
necessitans quoque est quod paulo post
sequestrantes se removerunt a sequestro
pro interesse et sca et ad eius
haeredes voluntarie credit exigenti
in civitate de ...; unde
quinde est, ac si sequestrum quoad
heredes a Tonio factum non fuisset
quod autem liberavit illius sequestri, patet
in Processu fol.

... merces videntur expedita in
hoc moraentur, et non illum Joannes
a Tonio; ... et ...
et non ... ; ... eodem
... receptae; ... ...
moraentur ...; ... in ...
... ... ; ... in ...
..., et ...

... ad manus ...
... ...
... debebunt ...

ad illud solvendum damnari, et obligari
quaerunt moraliter, etiam quod id ex
iustitia nullo modo fieri potest;
Unde ut ipsos haeredes convictos
demonstrarent inter caeteros articulos
productos, ~~[illegible]~~ unum quo
praesentant in officiis [illegible] et [illegible] in ordine
ffiq[illegible], et sequi Quod quando
merces valent aequalitati
a mercatoribus creditoribus Ioan. a
Tonia; velut minimaliter [illegible]
iure meo ex emptione hae merces
[illegible] [illegible] [illegible] nec esset
[illegible] [illegible] [illegible], ad eo
[illegible] [illegible] [illegible] probantur [illegible]
Quod autem pro veritate merces ipsae
certiora in illud [illegible] ipsius
moraliter, et ad Ioan. a Tonia, seu
haeredum, relato Probationes, quae facte
Sunt et Testes moraliter qui hoc idem
deponunt et affirmant. Postremo
aut Nicolai Tironis fol. 63 ter.

in illis verbis

Il muratore deve far pelle di
Zambellotti di mia ragione fabbricar
il sequestro che era in mano intanto
[illegible] mia [illegible]
E in [illegible] delli [illegible] [illegible]
lui muratore [illegible] che io [illegible]
liberasse il sequestro

Et quod [illegible] mercimonii [illegible]
[illegible] [illegible] loquatur, certum est, dominum
muratorem ipse in eius articulis
asserit, quod sequestrum a Curte [illegible]
[illegible] [illegible] in huiusmodi mercimo[illegible]
sed ex culpa, et [illegible] [illegible] a [illegible]
et [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible]

Contendo [illegible] [illegible] [illegible] [illegible]
pariter [illegible] [illegible] [illegible] Sent. Ceter.

[illegible] refert quod [illegible] a [illegible] ei
dixerat muratorem promisisse expedire
[illegible] dd. Zambellottos [illegible] alias
merces [illegible] [illegible]

[illegible] ad hunc modum [illegible] [illegible] [illegible]

ca promissa regi: nec Alber [illegible]
permittere ad [illegible] Parte [illegible]
Sindero [illegible] depositione [illegible]
[illegible] 3° [illegible] 29 [illegible] in Lege
[illegible] [illegible]

Portorono quelle tal risposta, [illegible] io
[illegible] la [illegible] le Lanciere
detto, che il [illegible] le Lanciere [illegible]
di mandare un numero di [illegible]
[illegible] avanti [illegible] e erano capitate
[illegible] [illegible] [illegible] [illegible]
et ponendo in [illegible] [illegible]
circa [illegible] n° 23 che [illegible] eran di
[illegible] [illegible] [illegible]
[illegible] [illegible]
dare ad alcuno [illegible]
[illegible] alcuna [illegible] del
[illegible] di [illegible]
di [illegible] ad alcuno.

55

[illegible]

[illegible] ... indicavit ... [illegible]

[illegible] ... Sit mensis ... [illegible]

... decembre, quod in ... [illegible]

... quod ... in societate ... [illegible]

[illegible]

Sed dico quod [illegible] in [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible], sed [illegible]
[illegible] [illegible]; [illegible] de [illegible] [illegible]
[illegible] ex [illegible] [illegible] sed [illegible] [illegible]
[illegible]: [illegible], aliter [illegible] [illegible] [illegible]
demonstrari [illegible] quod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] omnes [illegible]
[illegible] [illegible] [illegible] ex [illegible] [illegible]
[illegible] [illegible] [illegible], quod [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]ionibus [illegible]; sed plus [illegible]
[illegible]

[illegible] ex allegorum [illegible]
[illegible]
[illegible]
[illegible]
unt [illegible] quae [illegible] est [illegible]
magis [illegible] interpretationem [illegible]
[illegible]
[illegible]
communi [illegible]
[illegible] administrandi [illegible]
[illegible]
[illegible]
omnes [illegible] veritatem [illegible]
Boni Patris [illegible]
Petrus [illegible]
[illegible] merciminia [illegible]
[illegible] debent [illegible] similia [illegible]
[illegible]
[illegible] quod [illegible]
[illegible] ad [illegible]
[illegible]
[illegible] eundem [illegible]

Non est [illegible] ex novo [illegible] obicitur

quod [illegible] Philippus, et [illegible] ignorantiam [illegible] elapsus

[illegible] ad [illegible] contrarietatem, nec [illegible]

[illegible] devenimus [illegible] impugnare [illegible]

[illegible], et in nec a [illegible] in [illegible]

[illegible];

[illegible] quod [illegible] regula quam [illegible] quod [illegible]

[illegible] ad [illegible]

[illegible], ad [illegible]

exceptionis [illegible]

[illegible] inter [illegible]

[illegible] aliquo [illegible]

[illegible], [illegible]

[illegible] contra [illegible], [illegible]

[illegible] contra [illegible]

[illegible], nec [illegible]

ad [illegible] contractus [illegible]

[illegible] obstare [illegible], et [illegible]

[illegible] sed nec [illegible] nec [illegible]

nec [illegible] nec [illegible]

[illegible] nec [illegible]

[illegible], [illegible]

[illegible]

[illegible]

[illegible] in [illegible]

[illegible] obiectis [illegible]

ad [illegible] in

— ~~[illegible]~~ cui [illegible]

[illegible] [illegible] [illegible] tendinț [illegible], ea [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] adunare

[illegible], cu ea nu [illegible] ~~[illegible]~~ adițiune [illegible] materia [illegible]

[illegible] [illegible] caracter, 1604, ea 1605 [illegible]

[illegible] la executiuni [illegible] [illegible] [illegible]

[illegible] [illegible] unde cu ~~[illegible]~~ [illegible] causa [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]

~~[illegible]~~ [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]

De anno 1644 [illegible] marcus [illegible]
de Portogruaro [illegible] compulimus [illegible]
ex [illegible] uxore; mater ut [illegible]
sibi ipsi ex [illegible] hereditate
mariti eis esse posse dannosa, illam
acceptavit cum [illegible] inventarij [illegible] de
10 dotis [illegible]
campamentum [illegible] inordinatio
et edidit [illegible]
[illegible] et Vnicus [illegible]
[illegible]
Creditor [illegible] inter [illegible]
[illegible]
Uxor [illegible] eius credito

[illegible] 600 [illegible]
[illegible]
[illegible]
Credito [illegible] 260 [illegible] 20
[illegible]
[illegible] 1633 et 1642
[illegible]
[illegible] acceptationis [illegible]
~~[illegible]~~ ubi [illegible]
[illegible]

qui marca [illegible] et [illegible] Fori

Vrbis hereditatis marchi, et [illegible]

[illegible] ad [illegible] omissis [illegible]

creditorum [illegible] devenit, ad [illegible]

ex [illegible] [illegible] in maximum

Possessionis [illegible]

[illegible] ut damno [illegible] obstarent

detinerent [illegible] bullarum [illegible]

dotale ex [illegible] statuta

contradictione [illegible]

[illegible] 10 [illegible] qui [illegible] quintum [illegible]

retinere volebant mobilia, ex [illegible]

[illegible] devenit [illegible]

[illegible]

ut [illegible]

magis [illegible] decernendi [illegible]

remansisset [illegible] ad expensas [illegible]

[illegible]

[illegible] interveniens [illegible]

[illegible] ut in 2 [illegible]

[illegible] comparuit, et [illegible]

[illegible] ad [illegible]

[illegible] 260, et [illegible] 400,

[illegible], unde [illegible]

[illegible] [illegible] 200

[illegible] habebat [illegible] marcus [illegible]

[illegible] eius [illegible] habitationis, quam [illegible]
[illegible] [illegible] potestas [illegible] quibuscumque
aliis [illegible] ... [illegible] ut [illegible] decernit
[illegible] (quod [illegible] non [illegible] ...
[illegible] hoc [illegible] [illegible] [illegible]
Pace.)

Tò [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], ut in [illegible] n. 2; ad hoc
ut [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] detentionis [illegible] [illegible]
[illegible] obligaris; Unde [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quia ~~[illegible]~~ ~~[illegible]~~
ipsa [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~

E contra [illegible] [illegible]
negavit, et dixit [illegible] [illegible] [illegible] ~~hoc [illegible]~~
[illegible] [illegible] in [illegible] Bonis [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
et ut [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Potestas [illegible] ad [illegible] 29.
[illegible] (dicta [illegible] die 20 Iulii 1647) [illegible]
[illegible] [illegible] [illegible] [illegible] quod
[illegible] [illegible] ~~[illegible]~~ [illegible] eius [illegible] in Bonis [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] contra [illegible] [illegible] [illegible] ut [illegible]
[illegible] 35: Tò [illegible] [illegible] [illegible]

tante opti; unde intelligi quid sit in [illegible]
[illegible] appellationis

Et tu [illegible] videret quod recte sentit; Rev.mus Prelatus

Etenim in [illegible] subordinatis [illegible]
sedes [illegible] insignita constitutioni
[illegible] in [illegible] subordinatione
[illegible] [illegible] gratiis [illegible]
[illegible] unde [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] sede
[illegible] in [illegible]

[illegible] [illegible] in [illegible]
~~[illegible]~~ [illegible] [illegible] esse aut [illegible]
[illegible] minimam [illegible]
reformandi [illegible]
[illegible] in ~~[illegible]~~ [illegible] subordinatione [illegible]
Bianchine [illegible] de [illegible] [illegible]
[illegible] ex [illegible] de [illegible] subordinatione
in quo id [illegible]
[illegible] ~~[illegible]~~ [illegible] Universis
[illegible] extat [illegible]
[illegible] extans [illegible] de [illegible]
[illegible] [illegible] [illegible]
[illegible] feminam [illegible]
[illegible] [illegible] de [illegible]
[illegible] id [illegible]
[illegible]

[illegible] dicta mandat [illegible] Principi, quod [illegible]
qui unit [illegible] agere, et [illegible]
Consequens ut ad hoc ut fundos [illegible]
creditoribus debeat constitui inventarium [illegible]
[illegible] ad unguem [illegible] debet [illegible]
elevare edicta contra omnes [illegible]
putantes interesse [illegible]
sufficiant; [illegible] inventarium
debet procedere [illegible] expositione
ad [illegible] creditorum, et [illegible]
[illegible] actiones contra creditores [illegible]
[illegible] exercere debet [illegible], ea conventione
cum aliis creditoribus [illegible] tempore [illegible]
[illegible] Cod. de [illegible]
Hiis omnibus [illegible], ea facta sententia
[illegible]
utriusque hereditatis, et [illegible] creditoribus [illegible]
temporum, et [illegible] assignatis [illegible]
debet [illegible] in Roma [illegible]
[illegible] ut dies [illegible]
practicat; [illegible]
[illegible]
effectum, [illegible] ad
et credita [illegible] remaneant;

de legibus omnibus [illegible] observantia
[illegible] [illegible] quidque [illegible]
[illegible] [illegible] meo [illegible]
[illegible]

Verum [illegible] [illegible] acceptavit [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] inordinationis;
et [illegible] [illegible] [illegible]
[illegible] fuit ad [illegible] [illegible] tandemque
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ Aldobrandini, [illegible] [illegible]
alter fuit omissus, quod [illegible] [illegible] [illegible]
[illegible] [illegible] licet [illegible] eadem [illegible]
et [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] fuit ad [illegible]
[illegible] [illegible] [illegible] vel minima
[illegible] quae videat. Unde [illegible] [illegible]
[illegible] ~~[illegible]~~ repugnantia [illegible] [illegible]
et observantiae [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~

contra legem, ex Practica [illegible], ex [illegible]
posteriorum [illegible] non [illegible] haeredem [illegible]
haereditate [illegible], ut [illegible] contra [illegible]
[illegible] postmodum venias [illegible]
[illegible] ad aliorum [illegible], alias sequeret[ur]
Hac muliere [illegible] integra [illegible] haereditate
ascendere permitteret [illegible] eius [illegible]
absque ullo [illegible]
est dicendum, id [illegible]
[illegible] et aliis posteriora [illegible]
[illegible], et hic [illegible]
capti [illegible] 260 [illegible]
possidet [illegible]
[illegible] teneat ad [illegible]
[illegible]

Nec obstant [illegible]
ex adverso allegati [illegible]
[illegible] posteriora [illegible], quandoquidem
[illegible] dud posteriorem [illegible]
sed [illegible] capti [illegible]
intacta [illegible]
ex adverso [illegible] judiciales
[illegible] ex [illegible]
[illegible]

1647 [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] hereditatis et maris [illegible] [illegible]
sufficiant ad integrat[illegible] [illegible] [illegible]
[illegible] necess[illegible] medio [illegible] [illegible] eius dotis
ambiani [illegible] [illegible] [illegible] [illegible] ; debeat
quod procedens ad [illegible] [illegible] [illegible] [illegible]
quibuscumque [illegible] [illegible] non obstantibus [illegible]
[illegible] reditum [illegible] [illegible] [illegible]
subordinatorie quod [illegible] [illegible] [illegible]

[illegible] Baptista [illegible]

Petrus Augustinus [illegible]

Philippus [illegible]

Quaestio esse videtur Philippi [illegible] et [illegible]

et [illegible] relictis et [illegible]

[illegible]

[illegible] Petrus [illegible] Philippus

et [illegible] debere [illegible]

Antonius [illegible] et [illegible] minime debere ad

[illegible] de modo [illegible]

[illegible] esse [illegible]

[illegible] de quibus in Pucellis fol. 6, et 8.

[illegible] quidem quaestione [illegible]

[illegible]

[illegible] debere [illegible]

Velut hic [illegible]

[illegible]

[illegible] Petri [illegible]

[illegible]

[illegible] et similibus minime [illegible]

[illegible]

[illegible]

Anno [illegible] [illegible] ab [illegible] [illegible] S. Philippus
[illegible] [illegible] S. Petri [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] eius Patrem [illegible] ad [illegible] [illegible]
[illegible] ad [illegible] de quo in [illegible] [illegible] 6. in quo
[illegible] [illegible] erat [illegible] inter S. Philippum, et [illegible]
[illegible] [illegible] [illegible] eius [illegible] [illegible]
[illegible] Romae per [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] a [illegible] [illegible]
et S. Angeli [illegible] [illegible] [illegible] quod in [illegible]
[illegible] [illegible], et [illegible] [illegible] S. [illegible] [illegible] eius
[illegible], et [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] Romae [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] 6. [illegible] esse [illegible]
[illegible] [illegible], ipse [illegible] [illegible].
Anno inde sequenti [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in quo [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] ad [illegible] [illegible], [illegible] eo quia
[illegible] ad [illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible] esse [illegible] [illegible]
[illegible] [illegible] [illegible], in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

2

[illegible] ad [illegible] [illegible]
Unde ex hoc contracta et [illegible] illius Baptae [illegible]
tibi [illegible] executive e [illegible] [illegible]
[illegible] [illegible] restitutionis

Factum est [illegible] temporis quo Bapta in [illegible]
[illegible] Unde [illegible]
inter [illegible] haeredes devenient [illegible]
[illegible] Baptae [illegible]
[illegible] in documentis [illegible]

[illegible] vero [illegible] et haeredes q. Petri [illegible]
non deberi, et [illegible]
[illegible] in [illegible]
ex Vi [illegible]
[illegible] ut in Primordio Allegationis [illegible]
[illegible]
[illegible] et
ad [illegible] haeredes q. [illegible] Baptae.
[illegible] debere
[illegible] Petri [illegible]
[illegible]

Accedit quod [illegible] Philippus [illegible] qui [illegible]
[illegible] haeredes q. [illegible] Petri [illegible]
[illegible]
[illegible] Pater [illegible]
[illegible] contra [illegible]
[illegible] ex [illegible]
[illegible] quos [illegible]
[illegible] ad [illegible]
q. Baptae [illegible]

moveor [illegible] in [illegible] clare [illegible] quod Contractus [illegible]
aliunde emanarunt [illegible] [illegible] Bajuli [illegible]
Vendi [illegible] temporalis [illegible] ab eisdem [illegible]
[illegible] et Petrus [illegible] qui acceperat [illegible]

~~[illegible]~~ quidem nostre ~~[illegible]~~

[illegible] in ipsos ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~
contractibus continendo attento quod [illegible] Petrus
[illegible] quantum [illegible] dotis [illegible]
apparet ex [illegible] tempore [illegible] [illegible]
Petri [illegible] dicendum est [illegible] [illegible]

[illegible], ex [illegible] ipsos [illegible] dicere;

[illegible] in [illegible] minime, [illegible]
[illegible] [illegible] [illegible] [illegible] ex
in [illegible] ~~[illegible]~~ [illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] ~~[illegible]~~ ~~[illegible]~~
quod [illegible] ~~[illegible]~~ [illegible] [illegible] in [illegible]
inter socios ~~[illegible]~~, et [illegible] debeant

Quod [illegible] inter ~~[illegible]~~ [illegible] ~~[illegible]~~ debeant
Partes societatis [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] convenerant [illegible] Partes ~~[illegible]~~ [illegible]
[illegible] debeant, [illegible] Partes societatis
[illegible] [illegible] [illegible] [illegible]
in [illegible]: ~~[illegible]~~ [illegible]: ~~[illegible]~~ ~~[illegible]~~ [illegible]
[illegible] quia societas [illegible] [illegible] Ratione [illegible]
[illegible] alios [illegible] [illegible] inter [illegible]
~~[illegible]~~ [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] [illegible]

~~[illegible]~~ [illegible] [illegible] in [illegible]
~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

~~[illegible]~~ ~~[illegible]~~
[illegible] in [illegible]

At in Casu novo inventio extat quod in casu [illegible] [illegible] [illegible] equalitas, [illegible] [illegible]
[illegible] commenta nullatenus [illegible]
i.e. [illegible] respublicam [illegible], quod ad omnes [illegible]
[illegible] exceptiones; [illegible] Propositio [illegible]
[illegible] quod [illegible] [illegible] in societate
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] alter [illegible] [illegible] [illegible] tex. [illegible]
ad duobus [illegible] in [illegible] [illegible]
Ubi [illegible] equitas [illegible] [illegible] [illegible]
[illegible] semper equalitas, [illegible] in 2do [illegible] [illegible]
equitati convenit, [illegible] [illegible] [illegible]
operibus [illegible]
[illegible] Autor [illegible] et [illegible] [illegible] [illegible]
in [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] devenit
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] prius [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Et quod attinet ad [illegible] [illegible] [illegible]
quod [illegible] [illegible] [illegible] [illegible] Vide [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Rex [illegible] Vide [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

ad conservandum, ideo ex alterationibus minimis
la [illegible] ad hoc diminuendo, ac [illegible]
~~[illegible]~~
Anno 800 ~~[illegible]~~
~~[illegible] intrusae & [illegible] Temporalis [illegible]~~
~~[illegible]~~ [illegible]
[illegible] ex tanto tempore, quod in eodem
[illegible] similiter [illegible] quod hic Petrus
ipse [illegible], [illegible] Propositiones
[illegible] ex quo [illegible]
[illegible] in facto [illegible]
~~[illegible]~~
[illegible] quod [illegible]
velint [illegible], quod in casu
diminuendi [illegible] velint [illegible] inferre
[illegible] esse.
In Clavium, ex [illegible] la [illegible]
[illegible] 1005
[illegible] quod [illegible] velint se dividere
ex [illegible] Petro. [illegible]
[illegible]
[illegible] unde eandem
Petrus [illegible]
[illegible] ex esse quasi [illegible] Anno 800
[illegible] ac unde [illegible]
[illegible]
[illegible]
[illegible]
[illegible] dicit [illegible]
[illegible]

ministerii, et [illegible]; quod est animadvertendum [illegible]
dicas, Canones ipsius Dei; sive ipsi Deo [illegible]
Illud n. vero mihi videtur certissimum esse quod [illegible]
dum [illegible] [illegible], sed ipso [illegible]
[illegible] [illegible] [illegible], et modis [illegible]
legum [illegible] [illegible] in L. [illegible] conditione ubi gloss. [illegible]
condit. [illegible] plane in L. [illegible] Cod. de [illegible]

Vindex. Sic Deo ~~[illegible]~~ [illegible] [illegible], sive [illegible]
~~[illegible]~~ ~~[illegible] [illegible]~~ [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible]

Quandoquidem [illegible] legum [illegible] malis [illegible]
[illegible], et [illegible] [illegible] [illegible]
~~[illegible] [illegible]~~ ~~[illegible]~~ [illegible] [illegible] ~~[illegible]~~

[illegible] quod apparent [illegible] [illegible] [illegible]
[illegible] n. [illegible] in [illegible] quod ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible], [illegible]
pro Valme[?] [illegible] [illegible]

[illegible] et quod [illegible] esset [illegible] [illegible] [illegible]
filios, ut in [illegible]

[illegible] denique quod [illegible] [illegible] filios [illegible], et
ut [illegible] in eo [illegible]

~~[illegible] quod [illegible] [illegible] [illegible]~~

[illegible] ut [illegible] [illegible] [illegible] [illegible]
[illegible] in eis [illegible], et [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] et [illegible]. Ut inde [illegible]
[illegible] [illegible] in [illegible] [illegible] [illegible] lege [illegible]

sollita cognitione, quis unus intendens;

Oportere Christianus facto quod Probationes Professorij plenniores, [illegible] stipulatior fundamenti;

Et inde cognitione solita

Primus qualitas primam Constitutionem,

et quod omnium est totius negotij

Unde Providentia aquisitiones, et incrementa Facultatis

Quia si Bonus erat ad sua utilitate, et nobilis [illegible], ut examinis [illegible]

Et d'Ambrosii Barnabae, et [illegible] industriae

Et si facultas erat [illegible], [illegible] et ea [illegible]

[illegible] quod aquisitionem [illegible]

et industria [illegible] et [illegible] et [illegible]

[illegible] pro executione [illegible]

[illegible] apparebit [illegible] [illegible]

et [illegible] [illegible]

et [illegible] aquisitiones omnes, et augmenta

[illegible] abinde [illegible], et Bonis

[illegible] [illegible], et decernendo [illegible]

[illegible] debere [illegible], Quia sunt [illegible]

et [illegible] debet [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] ad [illegible] ita [illegible]

et [illegible] aquisitione debere [illegible].

ut eā equalitas [illegible] quae a' [illegible]
[illegible]; [illegible] enim eo [illegible] sunt abscondenda [illegible]
~~[illegible]~~ eo quia sunt dolosa [illegible] amplectenda [illegible] ~~[illegible]~~
[illegible] [illegible] [illegible]
Utraque [illegible] [illegible] [illegible] [illegible] quod agit [illegible]
[illegible]; [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~
~~[illegible]~~, Quaerens [illegible] [illegible] ad [illegible] que
[illegible] [illegible], et [illegible] [illegible] [illegible]
et [illegible] quomodo [illegible] eorum [illegible] [illegible]
ad [illegible] [illegible] [illegible] [illegible] [illegible]
et examinari [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] tamen [illegible] [illegible]
[illegible] de [illegible]; [illegible] [illegible] [illegible]
[illegible] Testes [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible]
aprobant, et ~~[illegible]~~ ad excellentiae maioris [illegible]; Unde
Et ut [illegible] [illegible] [illegible] [illegible] denuo
ad Probationes [illegible] Patris
& Philippus [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] eorum [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~
[illegible], Articulant
Quod Petrus eorum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
Quod e' contra Baptista eius Pater erat [illegible] ~~[illegible]~~ [illegible]
Quod [illegible] post celebrationem [illegible] [illegible] in quo [illegible]
de [illegible] [illegible] Baptista ipsi [illegible] Angeli [illegible]
[illegible]

Quod a[illegible] [illegible] [illegible] ante [illegible], et [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]; inde [illegible]
[illegible], quod res in domo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] erat [illegible] [illegible]
[illegible] [illegible] erat et [illegible] [illegible] [illegible] [illegible]

Quod [illegible] [illegible] [illegible] [illegible] omnia
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in domo
[illegible] et [illegible] et ex [illegible] et [illegible]
de [illegible]
[illegible] et [illegible] [illegible] quod ex [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] illud [illegible]; Unde [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]; [illegible] [illegible] [illegible]
[illegible] quasi [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] est [illegible] [illegible]
[illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible]
et [illegible]

[illegible] [illegible] quod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible]
[illegible] [illegible] quorum tenor [illegible].

Quod

Quod [illegible] [illegible] [illegible] erat [illegible] inconstantiae
ex magis [illegible] [illegible] [illegible] exercitatus in quo
ad bonum [illegible] [illegible] multos [illegible]

Quod ne [illegible] erat [illegible] [illegible] habere [illegible] quos [illegible]
Tenard maxime diligentiae, et [illegible] ~~[illegible]~~
quo, [illegible] magnus [illegible] [illegible] amabat

Quod [illegible] [illegible] [illegible] Ph[illegible] [illegible] erat
[illegible] quidam, [illegible] [illegible] [illegible] [illegible] [illegible]
et ad edendum [illegible] (ô bone [illegible], et ad hoc [illegible] contendentes? et [illegible] modo defendunt?)
[illegible] ~~[illegible]~~, [illegible] [illegible] [illegible] [illegible] [illegible]
Parvo demum [illegible], [illegible] [illegible] indignatus [illegible]
devenire ad [illegible] [illegible]

Quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ipsi [illegible] [illegible] devenire ad [illegible] modo
continens [illegible]

Quod tempore [illegible] [illegible] [illegible] erat multis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible], quod eo tempore [illegible]
[illegible], et [illegible] [illegible] quod [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] qui [illegible] post Uxori infensior
[illegible] [illegible] [illegible] [illegible] erat natus

Quod [illegible] [illegible] [illegible] [illegible] [illegible] Amor annum
[illegible] eo [illegible] Angelus [illegible] [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] fuit [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quo [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible]

Quod in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ipse [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].

Quod [illegible] [illegible] Angeli [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Quod vicin[illegible] [illegible] multa [illegible], in
[illegible] continuo [illegible] in [illegible]
[illegible] eius [illegible]

Quod [illegible] [illegible] quia, tedistis ~~[illegible]~~ etc. Vide [illegible]
[illegible] ~~[illegible]~~ quod [illegible] Hactenus Papae [illegible] [illegible] continuis
[illegible], quinimo [illegible] in parte [illegible]
[illegible], et destruerent quoniam dicunt terras
~~[illegible]~~ quod et q. terras laborabant, et assiduitate
maxime [illegible] et [illegible] et [illegible]. [illegible] facere [illegible]
[illegible] ex arte, ex industria [illegible], verum ex
[illegible] et Provinciis [illegible], et [illegible]

[illegible] inclinandus [illegible]
Quod [illegible] fol. 77 A
Quod [illegible] [illegible] fol. 82 B et
quo[illegible] ~~[illegible]~~ [illegible]
[illegible] fol. 52 ter.
[illegible]
[illegible] [illegible]
~~[illegible]~~ [illegible] [illegible]
[illegible]
[illegible] [illegible]
[illegible]
[illegible] esse [illegible] doctores [illegible]
[illegible] inter partes
[illegible] animadvertunt [illegible]
[illegible] [illegible] eundem
[illegible] [illegible] [illegible]
[illegible] quandoquidem [illegible] quod ~~[illegible]~~
[illegible] ex monstra [illegible]
[illegible] [illegible]

[illegible] scandal.
[illegible] [illegible] [illegible] [illegible] [illegible] multa [illegible], et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
~~[illegible] [illegible] [illegible] [illegible] [illegible]~~

Quid [illegible] deputatum [illegible] [illegible] quia, ~~[illegible] [illegible]~~ reddit [illegible] est. Vide [illegible]
[illegible] ~~[illegible]~~ quod [illegible] [illegible] Papae [illegible] [illegible] [illegible]
[illegible] [illegible], quominus [illegible] in parte [illegible]
[illegible], et destruerunt, quoniam [illegible] Testes ~~[illegible]~~
~~[illegible]~~ quod [illegible] q. [illegible] [illegible], et alt
[illegible] [illegible] [illegible] et aquisition. [illegible] fac
[illegible] ne [illegible] ex arte, et industria [illegible], [illegible]
[illegible] [illegible] [illegible] Provinciis [illegible], et [illegible] #
[illegible] [illegible] [illegible] [illegible], et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible]
quae [illegible] ~~[illegible]~~ [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]
Unde [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] esse rescindendas [illegible] doctores
[illegible] [illegible] [illegible] inter partes.
[illegible] [illegible] ~~[illegible]~~ animadvertunt [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] inde [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] quandoquidem [illegible] [illegible] quae ~~[illegible]~~
[illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

7

aliud Ius unus Habuisse, quod iste imperiis assetis
ex proprio fuerint a illi Coloni in humanis
essent, et in eodem iudicio manent, cum
Proprio eorum consensu nullo modo venire possent
nisi offenderent [illegible] [illegible] [illegible]
errore [illegible] [illegible] [illegible] [illegible] Bulli ad
[illegible] contendentes non ~~[illegible]~~ habent exceptionem
[illegible] Haeredes eorum et consequenter non
possunt venire contra Factum eorum maiorum
2do. quoniam ex quo [illegible] sententia dari nullo modo
praeter Praetentionem in [illegible] [illegible] exsecutionem
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible].
[illegible] inventa in [illegible] negligentia
[illegible] in [illegible] [illegible] negligentes non [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible]
quod fuit praedicatus [illegible] quia de [illegible]
consentire exsecutioni demandatae, ut [illegible] ex
[illegible] [illegible] [illegible] [illegible]
~~[illegible]~~
~~[illegible] [illegible] [illegible]~~
~~[illegible]~~ Cum [illegible] Nicolaus [illegible] eos [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
confirmari ~~[illegible]~~ [illegible] [illegible]

novend qui est a Divo Otoni istea manifest,
ut sic idcirco [illegible] aquiescant ne cetera
[illegible] et [illegible] ad not. in cap. [illegible]
de appell. cap. [illegible] in L. i, et 2, ff. de [illegible]
et aqu:

Et hic namque [illegible] in eccentis [illegible]
colom [illegible] [illegible] amor [illegible]
eius [illegible] [illegible] excepto [illegible], quod
et [illegible], et [illegible] amor [illegible] [illegible]
~~[illegible]~~ quoniam in
[illegible] anno intelligis vocari [illegible]
Unde [illegible] est ac si [illegible]
[illegible] [illegible]; et hic considerandum est
~~[illegible]~~ quod ut petiis in
[illegible] [illegible] [illegible] [illegible]
~~[illegible] debere [illegible]~~
[illegible] eidem et actu Voluntario
petiis confirmatio [illegible] ††
[illegible] [illegible] [illegible] et parte
[illegible] et [illegible] [illegible] quod [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible] in [illegible]

P°. quia censu vendendo [illegible] in anima, [illegible]
est [illegible] contrarii [illegible]

2do quia alienatis [illegible] a se [illegible]
abdicavit ; unde non [illegible] [illegible] de primatu
ad [illegible] non [illegible]

Sed nec [illegible] in minimo [illegible]

Pro primo quia non sequitur, nec destruitur per
consequentiam; Venditio census [illegible] non habebat
Bona, [illegible] quae habent Bona vendant
[illegible] retenta [illegible] ; ultra quod respondet
quod [illegible]
[illegible]
[illegible]

[illegible] non [illegible] abdicatum [illegible]
eo [illegible] retinuit [illegible]
[illegible]
[illegible] destruitur clare [illegible] emptor
[illegible]

[illegible] quod [illegible] de una
[illegible] Verbis [illegible]
[illegible]
[illegible] Comedatis [illegible]

Quinimo in praeteritis temporibus addo, quod
[illegible] acta [illegible], licet solum Bielli
[illegible] [illegible] [illegible] [illegible] (dicunt
illud in Labrusse nec habere et [illegible]
eo quia [illegible] constabilissent [illegible] extendissent, et in ind. [illegible]
[illegible] alio [illegible] ei renuntiassent;
Primo [illegible] quia habet [illegible]. Pactum ei
renuntiat conveniendo ad tempus [illegible]
[illegible]: cap. 56 n. 16, et 18 [illegible] 2, ita a
[illegible], [illegible] [illegible] [illegible], id autem est
dicendum [illegible] qui [illegible] cedit, et continuat
[illegible] in ind. [illegible]; tamen [illegible]
Partes [illegible] [illegible], et [illegible] nei
[illegible] in confirmandi [illegible] [illegible]
actoris [illegible] Reorum contrade salvis
[illegible] [illegible] in religiosis

In ea Consulta 1556. 8 Aprilis [illegible]
ut cognosci possit quis [illegible] [illegible]
[illegible] [illegible] an [illegible] creata vel [illegible]
revocata iudicari debeat. Factum mihi
proponendi necessario [illegible], ut inde quid
[illegible] sit statuendum cognosci ~~[illegible]~~
et decerni possit

1556. 8 Iulii de [illegible] de Picchino
[illegible] habeant quendam [illegible] in [illegible]
qui [illegible] a Roma, ex [illegible] [illegible]
[illegible] [illegible] de anno 1547 [illegible] ~~[illegible]~~
~~[illegible]~~ orta erat quaestio inter [illegible], et
[illegible] [illegible] [illegible] [illegible] [illegible]
tandem post multos [illegible] cognoscendo Romae
[illegible] mandant [illegible] ex [illegible] [illegible].
[illegible] revocant ut in [illegible] [illegible]
regesta in Processu [illegible] 2 et
~~[illegible]~~ [illegible], [illegible]
habita consensu [illegible], quod ad [illegible]
[illegible] [illegible] [illegible] [illegible], et [illegible]
[illegible] exsatiarunt [illegible] [illegible] in

vocatus, ratus in [illegible] interna generat ostendendi
quod Coloni nec eius conatus impugnare, nec
questionem hujus referre potuissent

Tractu temporis, et hic de anno 1579
cum [illegible] Nicolaus de St Remigio
Senex Coloni [illegible] et illius
nec comeatum reassumpsisset fortes
Breui contradixerant et omnibus actus
Voluntarij, et cessionis litis [illegible]
[illegible] unde [illegible]
~~[illegible]~~ Processu et [illegible]
expediendum, sententia [illegible] ad [illegible]
Conuentus; [illegible] a Coloni appellata
et suspensa [illegible], sed minime [illegible]
demandata cum [illegible] meliorationum
[illegible] de [illegible] annis [illegible]
[illegible]

[illegible] Nicolaus
de St Remigio [illegible]
[illegible]
[illegible] Coloni [illegible]
[illegible] in medio tempore [illegible]

Demitteret in 1756. d. [illegible] ex Roma 1756.
q. d. ejus matris dedit ipse esset in Pupillari
aetate constitutus quot detraxerat ab ejus d.
[illegible], ex fratre [illegible] qui a Bielis
[illegible] [illegible] Bonis retenta [illegible] ~~[illegible]~~
eidem Pupillo [illegible] ~~[illegible]~~ manus
mob 1756. d. [illegible] [illegible] maiore ~~[illegible]~~
animadvertens quod [illegible] Roma nisi omnes
excolens
[illegible], [illegible] [illegible] [illegible] ad [illegible]
eorundem [illegible] [illegible] celebrant, eos excommunic
~~[illegible]~~ in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] contra [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Unde videndum est, quid [illegible] ~~[illegible]~~
~~[illegible]~~

Requirens est in hac [illegible] [illegible] materia in [illegible]
~~[illegible] [illegible] [illegible] [illegible]~~ [illegible] [illegible] [illegible]
indicandum in hoc [illegible] [illegible] [illegible] [illegible]
ingenio [illegible]

[illegible] [illegible] quid [illegible] [illegible] in [illegible] [illegible]
respondendum ex [illegible] ~~[illegible]~~, [illegible] duo
[illegible] [illegible] [illegible] Conclusiones.

Quod vocationis contractus vere non est nisi eius
qui necessario ... desiderant, et requirant
ad ... consensum, ne duo ... sed et nomina
... [illegible] ...
... [illegible] ... vocat: ... contractus vocationis ... qui
ad ... [illegible] ... vocat.

Quod vocatio, antiqua ... [illegible] ... facta
in ... [illegible] ...
minus valeat ... [illegible] ...
... [illegible] ...
... [illegible] ... que
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ... sed ... [illegible] ...
... [illegible] ... constat ex ... [illegible] ...
inde ... ex quo ... [illegible] ...
... [illegible] ... non est ... [illegible] ...
... [illegible] ... dixerit ... [illegible] ...
... [illegible] ...
vocat; ... [illegible] ...

Quod vocatio in ... ~~[illegible]~~ ... ~~[illegible]~~
... non ~~[illegible]~~ ... [illegible] ...

ita ut consuetor expelli tollit ad modum
[illegible] in Cap. [illegible] de [illegible]
[illegible] in [illegible] de [illegible] [illegible]
[illegible] ea [illegible] [illegible]
[illegible] repellere [illegible] de [illegible] [illegible]
quod ~~[illegible]~~ [illegible] [illegible]
nec [illegible] nec [illegible] [illegible]
[illegible] male agit [illegible] [illegible] [illegible] annor.
[illegible] [illegible]

quinque tandem [illegible] [illegible] [illegible] questione
[illegible] [illegible] quis conductionis [illegible] [illegible] [illegible] nec
[illegible] quidem [illegible] videamus [illegible]
[illegible]: Boer. Cons. 173 n. 13 [illegible] [illegible]
[illegible] [illegible] conductio [illegible] [illegible]
[illegible] videamus [illegible] qui [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quis [illegible] [illegible] [illegible]
ut [illegible] [illegible] Cons. 251 n. 4 [illegible] [illegible]
[illegible] [illegible] contendat [illegible] [illegible]
dupli [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

Nob. D. Argentij [illegible] deveat [illegible]

[illegible] contra [illegible]

In Facto certum est quod [illegible] D. [illegible] est

[illegible] in [illegible]

et 1706 D. [illegible]

[illegible] ex [illegible]

venditionem census [illegible] a [illegible] 1706 [illegible]

[illegible] maternis [illegible]

quandoquidem [illegible]

[illegible] vendi [illegible] in [illegible] 1700 D.

[illegible] tunc in [illegible]

[illegible]

vendiderit [illegible] 1/3 [illegible]

[illegible]

[illegible] Bonorum [illegible]

[illegible]

[illegible]

in quam [illegible] quod [illegible]

in [illegible]

Constat est quod [illegible]

[illegible] descendentes [illegible]

Bonorum antiquorum [illegible]

Concessio distributa ex responsis datis [illegible]
positioni de qua in processu fol. . . .
et 27 sufficere
~~circa~~ Unde est ut si quaestio ad Congreg.
esset inter [illegible] clericos de [illegible]
[illegible] [illegible] eum [illegible] ex [illegible],
et [illegible] ~~[illegible]~~ [illegible] [illegible], et alii
[illegible] nominatos in [illegible]
1547 [illegible] ac [illegible] 1579 et alii
cum in istis qui [illegible] contendunt [illegible]
omnes
[illegible] actiones, [illegible] [illegible] [illegible] [illegible]
[illegible] est quod [illegible] clara, et [illegible] eius
[illegible], ut [illegible] ~~illi~~ [illegible] quaestionem
[illegible] Patroni ut [illegible] a [illegible] [illegible].
[illegible] nec [illegible] [illegible] [illegible] [illegible]
[illegible] sede eorum [illegible] [illegible], [illegible] [illegible]
sed [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible].
omnino [illegible].
Quod autem [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] in hoc [illegible] [illegible] [illegible]
[illegible] probari.
12. [illegible] [illegible] ex parte [illegible] [illegible] [illegible]
[illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible]

ut si omnis conclusiones iam omnibus demonstrari
sed tali casu omnis ~~[illegible]~~
esse [illegible] determinatus animus
~~et ultra non posset reperire [illegible] cui~~
~~non esse [illegible] ope [illegible] quaestionis~~
~~sed non [illegible], sed [illegible] sufficeret [illegible]~~
~~vel minimum [illegible] in re [illegible]~~
~~[illegible] determinatam~~, quae si est sufficiens
[illegible] mille annos in genere manifest[illegible] in
[illegible] non habet [illegible], nec possit,
nec aliquid vel minimum [illegible] in re et quia
ac [illegible] [illegible] [illegible] [illegible] non [illegible]
et ob id deficientiam [illegible] [illegible] in [illegible]
omnia vide [illegible] [illegible] et
ea [illegible] esse [illegible] nec est [illegible] [illegible]
[illegible] de [illegible] possit, [illegible]
[illegible] [illegible] inceptio.
modo vero creationis [illegible] [illegible] [illegible] ex parte
[illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible],
maiorem [illegible] [illegible] creatio esset, qui

quandoquidem [illegible] vacationes, et continet
[illegible] commotiones [illegible], quae est maxima
omnium probationum. [illegible] solum unius
temporis qui sunt idem ac isti contendentes
ad [illegible] illorum [illegible] ut ipsi [illegible])
[illegible] [illegible] [illegible] [illegible] voluntarie
[illegible] quatenus [illegible] vere [illegible]
[illegible], et [illegible]
[illegible], et [illegible], [illegible], ad [illegible]
[illegible] [illegible] ad de ideam [illegible] de [illegible]
Quapropter [illegible] voluntarie [illegible] [illegible] tempus
[illegible] [illegible] [illegible], et [illegible] eidem
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] dicendi est quod de
[illegible] continet, et [illegible]
et quod [illegible] [illegible] [illegible]
[illegible] de [illegible] qui [illegible] unius temporis [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible], et [illegible]
[illegible] a minori ad majus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ... eo [illegible]

hoc fieri non debet in casu [illegible] solutionis
[illegible] propriis confessionibus [illegible] ipsorum [illegible]

Accedit quod [illegible] solutionis [illegible] extat
et [illegible] 1529 [illegible] Rutellus, et
[illegible] inter [illegible], et
[illegible] qua continuatur [illegible] illius temporis,
[illegible] ex qua duo

1° quod re vera [illegible] erat [illegible]
[illegible] afficitur, et non [illegible]
[illegible] quoniam
[illegible]
nec illius executioni [illegible]
eius meliorandum, et deteriorandum
[illegible] 8

2° [illegible] quod re vera illius temporis [illegible]
~~[illegible]~~ [illegible]
quoniam [illegible] esset ~~[illegible]~~ nec [illegible] afficitur
[illegible] 1527
[illegible] remansisset
[illegible] 1529
[illegible] modo [illegible]

aeo Bonum relaxare gaudet in confessione
propria illorum maiorum desumpta ex actu
voluntario, et in venia nec appetitu,
nec ingenti regris, quod nullo modo impugnari
potest.

Et hic ponderandum vim dei actus voluntarii
considerio, et deo [illegible] solum illius temporis
dum pro conatu contenderemus, uno illius
actus voluntarii actionis [illegible], et [illegible]
conatus [illegible] [illegible] [illegible], et continuari
[illegible] possidere sine [illegible], in quo [illegible]
propterea nullo modo posse affectus, et
impugnare, [illegible] acquisiissent ex velle [illegible]
voluntarie [illegible] acceptassent ex
valeret ad expellendos, sed ne ad [illegible]
[illegible]. Certe hic est vis instrumentum [illegible]
[illegible], quinimo vires maiores acquirant
ex antiquitate temporis
Sed hic est quod actus voluntarii in [illegible]
[illegible] habet eandem vim, ac [illegible]
est in [illegible] quasi [illegible].

ad instantiam de partis contentis factae inter ... anno 1584, ita tenens, et tamen ... templi ... Bill, et Consort ... dicitur ...

8.º sequitur secundo quod ex vigore actus ... cumulatus veniat continuandus

... quasi ... ac si esset ... et ... quod ... ut ... supra ... concedit ... ultra ... et ... Collonum ... praescriptionis ... in ...

... est quod extat actus ... contentus factus ... contra ... cum ... quodque applicatur ... tandemque quod ... fuerit ... 30 annorum ... nunquam ... actus ... anno ...

At contra ... ex quo ... potuit ... de ... in ... non ...

1º quia quod attinet ad ... voluntarium, ... ad ... quia eo ipso quod ... et contra ... tenent ...

Villa di ...

Giov: Carlo ...

[illegible] al [illegible]

[illegible] nicole e di [illegible] s'intende [illegible] il [illegible]

[illegible]

[illegible] e fanno [illegible]

[illegible]

quali non [illegible]

alcun [illegible]

[illegible]

Decembre [illegible] alli [illegible]

saria [illegible]

[illegible] ciascune

et [illegible]

et

che col vento

Neutralità di territorio

gran parte dei

Oltre

[illegible]

Sorsa.

[illegible]

30. [illegible] da [illegible]

[illegible] di

[illegible]

[illegible]

di [illegible]

di ma [illegible] di

[illegible]

tali

[illegible]

Lic [illegible] me mi [illegible]

[illegible] lasci [illegible]

[illegible] e pa [illegible]

[illegible] et similmente [illegible]

[illegible] feminina [illegible]

[illegible]

[illegible] et lama [illegible]

[illegible] il pero [illegible]

[illegible] la [illegible]

[illegible]

[illegible] di [illegible]

[illegible]

ai D. Guidi [illegible]

[illegible]

[illegible]

[illegible]

che [illegible]

[illegible]

[illegible] altre [illegible]

Et 1642 [illegible]

[illegible]

[illegible]

di [illegible]

[illegible]

Queste [illegible]

giustitia [illegible] de la [illegible]

[illegible]

fatto [illegible] de [illegible]

ne

dalle

fan

assai più [illegible] e alla

[illegible]

volumi

di

alla nobiltà

[illegible]

(D B h

Aquilia a vvno.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

~~[illegible]~~ exalia

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

et cinquiens sorores, s. d. Franciscus [illegible]

chenault; quae cum ceciderint, in comitia

avere nost. post ad [illegible] , lic-

erent successor [illegible]

[illegible] nem 150, sed [illegible]

annosque, et ult

[illegible] alias [illegible] Nicolaus [illegible], et

[illegible]

[illegible] recta. retraneret.

[illegible] in eo [illegible]

[illegible] ia nuit indicatum [illegible].

[illegible]

dame, et [illegible]

[illegible], et [illegible]

[illegible], et [illegible] uti meriore, ac [illegible]

festatis [illegible] magis consona, [illegible]

[illegible]

Hac causas [illegible]

[illegible]

... nihil

mihi remanerent quirendum, et [illegible] nisi intelligentia sententiae Barisonae cum prolata ... inserendi;

Numquid haec inservire debeat pro norma praesentis iudicii

An sibi iniuncta Nob. ... Barisona ... formiter ex[p]leverit, et adimpleverit, adeo ut non obstantibus in contrarium obiectis, debeat obtinere

Quod sententia Barisona attendenda sit a ... Illustrissima ... meo, et ... indicandum, nulli est dubium; ... Excellentissimus Barisonus indicavit, licentiavit equidem Nobb. ... Neas ... ab observatione iudicii ... parte ... , ... et ... contexta facultate, et ius actionem ... eius intentionem

Quod videlicet Bona ... sint, et fuerint ex subiectis fideicommisso, et quod essent

inalienabilia

[illegible]

[illegible] si iudicare modo deberet [illegible] ab illa recedere tamquam alligatus eidem indicio, ita pari modo non [illegible] [illegible] illius Ricattus, qui expedire habet, cum sit [illegible] Tribunal [illegible] Et licet [illegible] quod iussit [illegible] de re [illegible] causa [illegible]

[illegible]

[illegible] in casu [illegible]

[illegible]

querelas ipsiusmet definitive, nonne si
querelam probavit, obtinebit Actor; sin
vero non; absolute remanebunt Rei conventi;
si n. secus diceres, sequeretur absurdum,
quod Iudex superfluis expensis Actorem
gravaret, ipsosque quodammodo decepisset
quod non est dicendum, q. e. d.

1. Quod verba prolata in [illegible] non debent
[illegible] otiosa [illegible] otiosa [illegible]
[illegible], quotiescunque [illegible] non
est [illegible], quia [illegible] Barbosa
[illegible], quod deberet [illegible]

[illegible]

istis in praesenti iudicio: sententia Barisona est

attendenda, utique uidendum... ar D. Pauona

iuxta ... ... et ... ...

et eoque inalienabilitatem;

... ...

rint de subiectis fideicommisso D. Bernar

... ... ultimae contentae in Processu ...,

... ... accuratè scripsit

... ... extant in Processu ... infrascrip-

ta iuris pendente ...

... quae fuerunt assignata de anno 1600 ...

... ... sunt. Domus una

... ... Rancho in ... usura

una cum terreno ... [illegible]

[illegible] ... ...

... ...

in solutum eius precij, ut in ...

illius anni e uidere in ...

et ... uocata, ...

... Italina et

Campus de Zuina

...

[illegible]

... Bernardino, sunt Bona posita in ... nominatis in calce petitionis dicti Processus ... cui me remitto

Quoad omnia haec bona quod fuerint, et essent de subiectis fideicommisso d. Bernardini ... Actor fundat ... eius intentione in praesumptione legis, qua cavetur, quod Bona possessa ... haeredes in eisdem ... quibus possidebat Testator praesumantur subiecta fideicommisso, quotiescunque in contrarium non appareat iuxta doctrinam de fideicommiss. Artic. Peregr. 44 ... toties ubi late ...

... amplissimo ... Excell.mo ... quod d. Bernard. ... possidebat in dictis Villis, in quibus possident et ipsi ... Bona Paterna ... ex hoc ... obtinere ...

... missa faciendo ... Bona ...

Heredes

Actores presentaverant in Processu B. id est

pedito libro Rationum, et Introitus [illegible]

[illegible] in [illegible] sunt [illegible]

nat. [illegible] [illegible]

[illegible] [illegible] [illegible] Verum cum

probatio, quod liber iste pariet Vicecomit

[illegible], et ab eo conscriptus, clare non ap

paruit [illegible] Bariisono; idcirco licentiavit

D.D. [illegible] ab observationes illius codicis,

[illegible]

[illegible] B. [illegible] [illegible] in Processu [illegible]

3 [illegible] [illegible]

1526

[illegible]

D'affitto semplice a[illegible] misura di [illegible]

Capitulum [illegible] formto. 56. 4 & 4 [illegible]

[illegible] categ[illegible] [illegible] [illegible] [illegible] [illegible]

a [illegible] [illegible] filio Testatoris [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] fu scritta di mano

[illegible] [illegible] [illegible]

[illegible]

[illegible]

Si vero [illegible] in [illegible] probata continentia [illegible], et quod fuerit conscripta manu Testatoris. Vide nihil [illegible] [illegible] videtur.

Quoniam si illa Partita est in eo regesta una cum ceteris omnibus, in quibus continentur [illegible] contentaque in calce Petitionis Pavone, et si est conscripta, ut probatum fuit, manu fideicommittentis; utique [illegible] Testatoris, quia omnes sunt extensae una eademque manu, ut clarius [illegible] meus facta earum collatione, cognoscere poterit

Quare probata continentia d. libri, utique et fundata remanet intentio Rob. D. Pavone [illegible] in libro Edicto, ut latissime demonstravit Excell. Praes. et si liber ille fuit re vera Testatoris

[illegible] et ab eo conservonis, et consecutiones [illegible] actione eius vnivoitg; utiq: dicendum quod fuerint, et sint de subiectis fideicomisso, et [illegible] formata [illegible]

Vltra dictum librum quoad universalitatem [illegible] bonorum in divisionibus obuentorum [illegible] et quorum novo [illegible] a [illegible] dictis, [illegible] sentauit et alia fundamenta Rob: D. [illegible] [illegible] magis corroborauit, nedum librum [illegible] fuisse, et esse testatoris, verum etiam bona in eo contenta fuisse re uera eiusdem fideicomittentis

Primo quoad bona Luinaci edidit confirmationem Bonorum sumptam de anno 1524 ad instantiam D. Bernardini; ut in Processu fol: 4.

Quoad bona Pasegliani, docuit, fuisse acquisita usq: de anno 1375 a 9. Rob: D. Martino Pauona suo fideicomittente, ut in Processu fol: 52, et 56, et confirmationem 1563,

[illegible]

[illegible] 1200 [illegible]

[illegible]

Quoad Bona, et mansum Villy [illegible] pro-

[illegible] à q. D. Francisco Patre

et testatoris d'anno 1404, ut in processu

fol. 61 [illegible] 108, et fol. 168 t.o [illegible]

[illegible] 00

[illegible] 1592 [illegible]

[illegible]

Quoad Bona Ferreresi, extat locatio [illegible]

Fideicommissaria 1530 [illegible] fol. 76 [illegible]

qua probatur illius possessio, et [illegible]

Quo vero ad Bona [illegible] de quibus [illegible]

agitur in presenti iudicio, ut premisi, et infe-

rius dicam, sunt tot, et tanta fundamenta con-

cilata in presenti causa pro illorum [illegible]

et demonstratione, quod fuerint [illegible]

deicommisso D. Bernardini, ut nihil ul-

terius desiderari possit; Primo [illegible] loco

[illegible]

Extat Instrumentum ... in Processu ...
... quo apparet, quod usque tunc Roo...
... Paxona Pater Domini Bernardini
... Fideicommittentis habebat ... in ...
Susuriaci, et Guinaci; et ob id venire
nevat ... Guinaci, quod eum una cum ...
et omnes alios viventes, et residentes ...
... in ... ...
..., et ... , quod possent uti Pascuis
et Bonis Communalibus d. Villae
Extat ... loco confinatio visita facta ad instantiam
d. Bernardini Testatoris in Processu fol: 4. ...
... continuata fuere Bona Guinaci, et Susu=
riaci, ut latius in ipsa.
3°. loco accedit licentia eidem ... Fideicommittenti
concessa ab Ill.mis ... Judicibus ...
... Serenissimi Dominii de ...
... ibi ... ...
... ...

[illegible] consti[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Cocahó [illegible]

[illegible] 1687 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] contbat [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] Et [illegible]

[illegible]

[illegible]

et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible] qui [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ia S. lati scripsit Excell.mus D. Draco; Inde mi-
non est opus prius abrogari, ea tamen, quae
[illegible] dictorum [illegible] [illegible] alia
Bonorum inserviunt [illegible] [illegible]
propositionis, quam [illegible] demonstratos, Donatio-
nes Lusurini, Perseverani, Tancilli, et
Franc. [illegible] [illegible] [illegible]
valde, et Bernardino, fuisse tunc temporis
inalienabilia in extraneos, eo, quia
essent consumpta in legit.ma, et Trebell.ca,
ulterius firmato, quod licet omnia Bona
obvenienta D. Bernardo in eius portione
Patrimonii tempore dictarum Divisionum,
debeant D. Franc.co tamquam fideicommis-
saria, et quae nullo modo exire possunt
de Domo, et familia, sed transire de
herede in heredem masculum [illegible]
Quod Bona lege de anno 1660 assignata [illegible]
[illegible] ut supra, essent inalienabilia [illegible]
extraneos

extraneos, ita, ut verisio [illegible] [illegible] [illegible]
ius ex urbanitate quam ex necessitate,
[illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ D. Bernardini
erant relaxari pro reintegratione fideicom
missi; Itaque triplici modo [illegible]
ultimo loco inter has partes compilato.
[illegible] dicit: Quod Nob: D. Bernardinus fideicomit
tens habuit tres filios Franciscum scilicet
Nicolaum, et Adrianum; [illegible] Francisco [illegible]
[illegible] natu [illegible] Bernard. Pater
[illegible] D. Jorg. in iudicio [illegible], Adrianus
[illegible], Paulus, Thomas; et [illegible]
fratres Francisco, et adhuc [illegible] Nicolao,
qui et ipse Bona sua subiecit fidei
comisso [illegible] anno 1576 Bernard. eius
filius se applicuit gubernio domus, et
familie, ut [illegible]: ex libro rationum
~~[illegible]~~ ~~confecto~~ eius manu
~~confecto~~ in quo etiam [illegible] [illegible] eius
propria

proprium nomen profert, et postnimen fol: 18,
et ex infrascriptis notis eius manu concepta;
dum autem foret ipsius facultatem Pauonam
propalari, ut eam ipsam ratam redderet in libro, seu
estimo, orati huius Civitatis pro subsidio;
et eius propria manu, prout cognoscitur ex
comparatione litterarum in dicto libro regesto
in Processu fol. 200 tergo, fecit, et
annotauit in uno folio dictam facultatem;
licet autem hoc fuerit factum non statim, sed
ex interuallo post mortem fideicomittentis,
non tamen refert, quoniam si tanta illa facul
tas, et illud Patrimonium fuisset maioris
summe, quam habetur in dicto folio, prout est
credendum, non obstaret, quia et maioris
summe uti fuisset Portio subiecta fideicomisso,
que debet servari ad beneficium descen
dentium masculorum: Unde et euenientibus et descendentibus
ui diminutio facultatis in huiusmodi

calculo faciendo notum non erat, quod suffragetur fideicommissarijs

Quod hoc contractu fuerit manu D. D. Venarii non fuit apertum negatum a D. D. eius filiabus, ut habetur clare ~~ut dixi~~ comparatione literarum; et quod fuerit factum post mortem Dni Adriani et dum adhuc in humanis esset D. Nicolaus; et sic ante annum 1596. colligitur clare ex eius extensione, et continentiis, dum in eo facit mentionem de eius fratre, qui alius esse non poterat, quam D. Nicolaus; eo, quia iam obierant alii duo fratres, ut habetur in processu

Ex hoc aut patet idem circa extimationem introituum facultatis Testatoris, haec huius hinc tum noviter maiores summae ... ; Unde iuxta istum animum calculum, portio cedens fideicommisso ad beneficium descendentium erat ... sex millia

erant

erent detrahenda pro leg.ᵃ, et Trebell.ᵃ
Portio liberae Duc.⁵ sex millium dividi debuit
in tres partes, cum tres essent, ut [illegible], masc.
filij, unde unicuique ipsorum obveniebant
Duc. 2m [illegible] pecij disponere potérant.
Portio igitur Francisci erat Duc. 2m, Portio Adriani
itidem duo millium, et Portio Nicolai eiusdem summ.
Obijt Adrianus [illegible], ex se relicta [illegible] eius
unica filia, quae dotata fuit cum Duc.tis mille,
ut habetur ex processu formato usque de anno
1598, et in hoc redacto folio 220 usque
222 ad signa A, B.
Heredes illius remanserunt D. Franciscus
et D. Nicolaus eius Fratres, sicque quarta
liberae Adriani, in illis transierunt iure
successionis Duc. 500 pro unoquoque extra
bona fideicommissaria;
Nicolaus de anno 1596 subiecit arctissimo
fideicommisso et ipse omnia eius bona

ut apparet ex illius Testam.to in Processu

regesto, Unde legi atq. disputationi exigui

debent. Nob. D. Francisco modo Lectori atq.

ullas deductiones Leg.ae. ac Trebell.ae, cum

agatur de fideicomisso transuersali, sei conse

quens ab anno 1596 citra illa semp. fuerunt

inalienabilia in extraneos;

Franciscus aut., qui disponere poterat de propria illius

portione ei obuenta ex Bonis Patrimo

nialib. Duc: bismille, et de Duc.tis quin

gentis ex alia Adriani, ut supra demons

trauimus, alienauit ante tempus Diuisionis 1600

tot, et se ipsum, quia mult.e Nicolao eius fratre

in nubendis filiab. post illius mortem pro

Duc.tis —. et ultra; Unde consumpsit et ipse

ne in portione ei ea fratri obuenta uerum

etiam Legit.ae, et Trebell.ae, et ex fideic

comisso ulterius detraxit pro Duc: 500.

Remissas uero fuisse in suscripto more.

Testam.o

Dotata p.o fuit D. Andriana eius filia nupta D. Horatio Vulpes de anno 1592, cum Duc: 1400, ut in Processu p.o fol: 16; Dos aut hec cons[titu]ta ~~[illegible]~~ apparet in tot Bonis pro valore Duc.[ti] 900, et in Duc.tis 500 in pecunijs numeratis ut ibi ad effectum vero faciendi, et erogandi pecunias ipsas venditum fuit Heremum Sancti Marci, quod erat Testatoris Fideicommissarius, ut supius demonstravi, hocq: habetur ex Rota libri ipsiusmet D. Bernard: Iunioris, Patris D.D. Horq: fol: 71

Quod pariter Bona pro ~~[illegible]~~ Duc.ti 900, tradita fuerint, constat ex notis eiusdem libri, sed in eo apparet fol: 75, tradita fuisse Bona Mesthaci pro Duc.tis 160 fol: 73. Bona Blessani pro Duc.tis 180 fol: 82. Bona Dieolani pro Duc.tis 190; et cetera quoq: Quae debeant consignata, quotiescumq: in contrarium non apparet

Nupta 2.do loco fuit D. Catherina anno 15..

ut in Processu C fol: 12, et eidē quoq:
constitutā eād. Dos, aruit super in tot
Bonis pro Duc.tis 1000, et hęc fuerun
Bona Vallerianj, et Piscanj Sclatonicj,
ut in lib: fol: 38, 74, 75, e 76

Anno 1577 30 Xbris manu D. Brunalleschj
Notarij, uendidit Pensionē Liuellaria pro
anūi Duc.s 585 Dominicho Gratiaz,
et pro illa obligauit Possessionē Testatoris
uocatā la Fauilla, ut fol. 299 Proc: C

Anno 1571 XI Junij uendidit eidē D., Con-
uentui alias responsionē Duc.s 150, et
hęc sunt Capitalia mēsura, quę francauit D.
Bernardus iunior cū eius pecunijs, ut
asserebat, Notarijs; et pro quib: tradita
fuere in soluti Bona modo controuersa,
Vnde iuxta hunc calculum D. Franciscus
dimissis 600 alienauerat pro Duc.tis
3335, et se constituta in contrahendo
ea ua core.

et valore eius Bonorum liberorum. Utraque enim
sic non apparet, quomodo fuerit acquisita [illegible]
ris eius filiabus in quibus necessario enim
est concludendum, fuisse expendita multa
milliaria Ducatorum, cum essent adhuc mino

2do. novo habemus [illegible] D. Bernardini [illegible]
[illegible], et ex eo deducitur clarius ina
lienabilitas Bonorum traditorum D.D. Smeraldo
et Bernardo.

Nupta fuerat, ut dictum superius fuit, D. Ginevra
Nob. D. Prospero Boretto, et dotata cum
Duc. 2000, D. Borettus post nuptias
[illegible], incongrue fuisse dotatam, quam
dicebat, remansisse exclusam a Patriciis,
sed cum onere eam congrue dotandi [illegible], quod
fieri non potuit in minori quantitate, quam
esset eius legitima, et sic cum 3a. parte
Bonorum Paternorum

Vocaverat ipsam ad iudicium [illegible] ob [illegible] Bernard.

Patri[illegible] vero[illegible], et habet [illegible]
in humanis esse desierunt: [illegible] vero ad
effectum demonstrandi, et probandi, quod im[illegible]
[illegible] principas [illegible] dotata [illegible], forma=
runt [illegible] Bernardo [illegible] 1598, bona
[illegible] facultatis Canonica, ut in [illegible] fol. [illegible]
[illegible], quod devenitas [illegible]
[illegible] sicut et [illegible], [illegible] Bona
[illegible] ascendebant [illegible]
non ulterius summam quam Ducatorum 4660,
ita quod portio uniuscuiusque fratris erat
non alia, quam Ducatorum [illegible]
aut sunt in quantitate [illegible] adducta,
quae de anno 1600 consumptis erant omnes
portiones libere, et [illegible] summa considerabili
diminuta et [illegible]
[illegible] et [illegible] modo [illegible] quoque, et habet
veritas [illegible]
Ad cognoscendum hoc, et Patrimonium [illegible]
[illegible]

Fideicomittentis, et ad liquidandum, numquid tempore Divisionis 1600 iam ex illo esset deductum, et consumptum duo tertia, quae erant deducenda pro Legitima, et Trebellianica, necessarium est videre, ex qua summa consistebat haereditas dicto anno 1600, postmodumque quaerere, in qua quantitate apparebant alienationes ante dictum annum factae ab Adriano, Francisco et Nicolao post mortem Patris; Quia si haec erant maioris quantitatis, quam esset facultas dicto tempore divisionis, utique procul dubio habebitur, quod iam fuissent consumpta tertia ipsorum, et quod per consequens Bona, quae in haereditate adhuc reperiebantur eodem anno, erant omnia inalienabilia in extraneis.

Hoc autem calculum non aliunde clarius potest haberi, quam ex propria confessione dictarum sororum.

Dum inter ipsas, et DD. de Pauonia lis erat

Venetijs die anno 1647; 26 Februarij, edicta fuit in Ex.mo Consilio de 4.ta Nota Valoris Bonorum contentorum in Divisione secuta de anno 1600 inter ipsos Fratres, quorum nota, dictis mensibus, erat Duc. 8111 ... 319, ut ex illa habetur, comprehensis et Bonis assignatis D. Bernardino pro eius Credito Duc. 1100, et alijs traditis in solutum Dotis D. ... meraldis eorum cum matri pro Duc.tis 1800; Et hic calculus adeo verus, et certus est, ut nec hinc in illo Ex.mo Saecrario, nec modo in presenti iudicio negatus, impugnatur ab eisdemmet sororibus quoquo modo fuit

iuxta illud, ad demonstrandum quod Bona contenta in ipsis Divisionibus essent hinc inalienabilia in extraneos, necesse est probare, et demonstrare, quod ante illas fuissent iam distractas tot alia Bona eiusdem facultatis, quia ne apparebunt consumpta

Leg.ª; et Trebell.ª

Hoc aut fit in infra scripto modo

Ex Gemina facultat, quæ extabat tempore divisionis, tangebat unicuique fratrum Duc. 2 cr 6. Nicolaus iam subiecerat totam eius portionem speciali Fideicomisso, ut ostensum fuit.

Ex portione Adriani dotata iam fuerat Victoria eius unica filia cum Duc. 1000, ut Gemini, Unde ea dempta, remanebant fratribus superstitibus ex illius quota Duc. 1 cr 6, qui divisioni in duas partes obveniebat Francisco Duc. 8 cr

In portione Nicolai non est ingrediendum, cum ipse, ut pluries dixi, iam omnia sua bona subiecisset Fideicomisso ad beneficium Francisci et eius descendentium

In quota vero Francisci est discurrendum. Hæc, ut dixi, erat sdm Gemini calculum Duc. 2 cr 6. et ipse alterius portionis Adriani ac remanentis accrescebat in totum ad summam Duc. 3.5.8.
in medietate

in nubendis duabus filiabus, iam demonstraui, quod

fuerant consumpta bona pro ualore scutorum 2800

ut in processu fol. 12, et 16

nec de annis 1577, et 1579 uendiderat respon

sione [illegible] pro capitali [illegible] 425

Sardaus considerauit, quod habebat alias quinque

filias, quae omnes tempore diuisionis iam erant

uel nuptae, uel religionem ingressae, licet eo

tempore esse non [illegible]. Unde [illegible]

quod id factum non fuerit ab eo ex personis, et quod

[illegible] ne dum consumpti fuissent [illegible] 125

qui ei remanebant ex portione eius libera

et de quibus disponere poterat [illegible]

Et sic [illegible] [illegible] supra dicimus, ostensum fuit

et ad oculum demonstratum, quod tempore [illegible]

[illegible] erant [illegible] consumpta portiones [illegible]

[illegible] et [illegible]

[illegible] [illegible] erant [illegible]

[illegible]

[illegible]

9

suppositas fideicommissi [illegible] et [illegible]

quasi [illegible] iudicandum in tandem est ad [illegible]

[illegible] actoris, ad hoc ut [illegible] [illegible]

[illegible] et quod fieri potest [illegible]

fideicommissi iuxta leges

Quod aut [illegible] id fieri decernique debet, cum [illegible]

actor offerat solutionem pretii, pro quo traditas

fuerunt, et distractas [illegible]

nullo modo possunt ei denegari. [illegible]

quidem certissimum est in [illegible] terminis, quod

ille met, qui alienat fundum contra [illegible]

potest uenire contra factum proprium, et [illegible]

ditione ipsa [illegible], [illegible] restitutio

restituto [illegible] uendicare ad [illegible] in [illegible] quemad

modum [illegible] et [illegible] lib: XI

[illegible] post mortem [illegible]

et [illegible] voluit [illegible] in 5 [illegible] Instit: [illegible]

[illegible] uel non in ultra [illegible]

[illegible] in [illegible] et cum lege [illegible] rei uxor: act

[illegible]

pretium . . . in illud . . .

. . . late

Fuerunt enim utraque Bona Domus Buoni, et potissime

successionis luxuriani, et Serserani erant atten-

tis subiecta fideicommisso, ut supra ius ostendi-

mus; et sic illorum alienatio prohibita, ut

patet ex claris verbis testamentorum . . . Ber-

nardini et Nicolai; ergo cum alienatio fuerit

facta contra legem, et contra expressam vo-

luntatem, et prohibitionem testatoris, remanet . . .

cendum, quod ab ipsomet, qui eam fecerat

. . . . et a . . . illis, tanto magis

. . . aliis, qui contractibus non intervenerunt

. . . . fideicommisso . . . .

. . . . Franciscus, quia tam quam . . . . .
Comes ex nondum familia . . . , ex

masculinitate deficit . . . bona omnia

fideicommissaria, adhuc ut iuxta dispositionem

fideicommittentium . . . . . .

certe esset miserrima conditio fideicommittentium

et . . . . vocatorum ad successionem . . . . .

. . . . .

non habent vindicatio, et retractio bonorum, vide

adhoc, ut bona remanent in familia, et ut inde sustineri possint honorifice, et commode, prout decet; vocati aut succedunt fideicommittenti, et non gravato [struck]

nec ullo modo dici potest, quod a successoribus vocatis revini non possint bona ab uno gravatorum per antea distracta, cum retractus sit minime iniunctus fideicommisso, indemnitati vocatorum prospiciens [struck], et ius perpetuum minime tollens

Non obstat aut, si dicatur, quod et Nob. q. D. Nicolaus de anno 1620 intentaverit retractum, et tamen succubuerit; quoniam respondetur p°. quod Nob. D. Franciscus licet filius, tamen non potest dici ex d.a sententia [struck] aut agens ad evictionem bonorum [illegible] fideicommisso, licet sit heres venditoris, ipse ... alta ex persona propria venire contra

alienat...

alienationē facta ꝑ desinere vero iure
iuxta tex: in l. Secia. ff. de euict.
Cū D. Franciscus agit ex persona propria,
quo prout ei non obstaret, si q. Nob: q.
Nicolaus eius Pater distraxisset, cū minus e.
obstarent tollit ꝑ'a contra ipsos latet
cū in materia, de qua agit, facta unius
alteri non noceat, eo aut magis, cū d. Ni
colaus egerit iure sanguinis, non iure fi.
deicomissi, prout filius facit.
Ostenso itaq: identitate Bonoꝝ, et firmata eoꝝ
inalienabilitate tandem, qui licenas certa
in ꝑ'te pred. ꝑ Mirandi, eo prout
d Bernardini, dorton: tandem, quod certa
non obstat, cū D. Franciscus agat ex Psona
propria, et quod adiecta obiectione lati,
nullo modo potest ei derogari euictio
Reliquū ē diluere obiecta ex adverso adductas,
quæ omnia colliguntur ex scriptura diei 2 maij
... et ex ... presentatis sub die 2
maij

maij 1651 Bolognae, prout id tamen ex
sestam.to q. D. Thomae in calce Processus edit.
pag. 330.

Fundam.ta autem, sub quibus d.i D.ni Sorores intendunt, non
teneri ad relaxationem Bonorum, sunt, ut antea
premisi, infrascripta

1.o Quia iam bis in idipsum fuerit iudicatum, et iudicia
huiusmodi fuerint prolata a Prestantissimis
Iurisconsultis primarijs Auditoribus totius Italiae

2.do quoniam haec Bona, de quibus agitur, fuerint tra-
dita (et hoc est summum fundam.tum eorum) in
solutionem Dotium DD. Smiraldorum, et Pomi, et
per consequens irreuocabilia, licet essent
subiecta fideicommissis, attenta consuetudine,
qua in restituendis Dotibus fideicommissa ac-
cedentia distrahi possint authoritate cuiusque
ordinis Comitis de lerat. et fideicom

3.o quia obstat praescriptio a die traditionis dictorum
Bonorum, quae facta fuit anno 1600 citra

4to quia Rob. q. D. Nicolaus Pater D. Francisci modo defuncti [illegible] voluntarie renunciando depositum factum pro retractu

5to quia licet dicta Bona fuerint inalienabilia, ac in extraneos [illegible], et transire potuerint, et fuerint imperpetuum subiecta fideicommisso; tamen non competeret actio [illegible] D. Francisco, quoniam [illegible] quam q. D. Nicolaus eius Parens [illegible] in [illegible] et ab omni [illegible], alienando ex [illegible] fideicommissi, contra voluntatem [illegible] fideicommittentis, sic ipso testatore [illegible], et prohibente [illegible] verbis [illegible]

6to tandem quoniam [illegible] Bona [illegible] in [illegible] vocato la Rancella una cum aliis modo controversis sunt, et fuerunt semper libera, et immunia a Fideicommissis [illegible], sic testante Rob. [illegible] in eius [illegible] elogio, et testam.

[illegible] tamen

Hęc tamen omnia virtualiter remanserunt ïa sublata ẜ alteri considerata, et Excellmi tolung, verronienio.

Ad pm., quod bina Judicia ia dicta non obstant. Non primum, quoniam Rob: D. Nicolaus egit ad retracten iun xxaminis et concurrentiaz, et non uigore fideicominorz, ut est leven ex illius Petitionës; D. Franciscus aut agit ad revocationem dictorz Fonorz uirorum viri cominis fuit, et id facit non tamquam heres patris, sed ex propria Persona dispositu tex in .l. Seia ff. de eviction:, ubi clare cauetz, quod filius, licet Pris heres; tn potest ex propria Persona agere, et revocare Bona sub a fideicomisso, quę fuerunt distracta a proprio Parente

Ad 2dum respondetz:, quod regula, qua cauetz, quod etiam Bona Fideicomissalia possint distrahi pro constituenda, et restituenda dote

habet

habet [illegible] in [illegible], sed non [illegible]

[illegible] obstato [illegible] non possint redimi, imo

[illegible] id fieri, et concedi possit, et debeat

[illegible] in ~~[illegible]~~ cognitis, et [illegible]

fuit in dicta sententia, frustra in mandasset

[illegible] hus Baricorum fieri probationes, nisi

[illegible] modeme [illegible], in tantum aut

eas fieri iussit, in quantum cognoscit, Lege

non obstante; quoniam, ut inquit [illegible]

in d. Auth. res quae [illegible] coia d. Locat.

lex haec emanavit in favore mulierum,

ne scilicet consumptis bonis [illegible] in [illegible]

[illegible], non haec illis non [illegible]

[illegible] non [illegible] aut

[illegible]

[illegible]

[illegible]

[illegible] in [illegible] auth.

[illegible] mulieres [illegible] et ac

[illegible]

euitanda illarum fraudium, quae sequi possent in viduarum, et haeredibus fideicommissarijs summopere damnosa, quia possent retinere bona feudalia, quae essent earum dotes, quod tamen non potest, nec debet, cum sit contra mentem legis; fideicommissa namque quoad fieri potest, sustineri debent, et specialiter ubi cessat praeiudicium mulierum, quae fuit ratio finalis dictae legis, et illius dispositio cessante debere, est concludendum.

Et in hoc ad paritatem rationis adduci potest text. in cap. si quis, et ibi Abb. extra de furt. ubi quamuis ob famis necessitatem furtum tolleretur, attamen superuenientibus diuitijs, furti restitutio est, et tunc tandem conclusio omni rationi consonans, quia prout alienatio legitimae, et Trebellianicae non potest inferre praeiudicium mulieribus ne remaneant indotatae, ita nec fideicommisso

ita

fideicomissarijs, itaut multiendi cu eorum

iactura debeant locupletari, nout cum

niret in presenti casu, cum bona, ut est

regii in Divisionibus 1600, non licuiss

tradita et estimata, et sint valoris in

totum summi et exulta

ut supius consideravimus in hoc puncto non

est immorandum, cum sententia Baronal

iam venit terminata, sub traditione, et

consignatione plurima non obstantibus, iuxta

dixit, quia in bonis restitutionis etc. ideant

talis Bonorum, quod nempe essent fidei

commisso subiectorum, et cum eorum inalienabi

litatem videndum restabat, numquid

ve ulterior probationes factis valeant nec

et quod attinet ad 3. obiectum praescriptionis,

pariter non obstat, tum quia praescriptio, licet

dari potuisset, fuisset interrupta

... anno ... ...

quoniam nec curreret non potuit contra

praeveniunt

Franciscum non ad̃ ... morte ... Nicolai ... Patris, a quo ... remansit Fideicomm.
ad eius beneficium, quia ipse agit nomine pro
prio, et ea propria Persona, unde non valent
agere, non currit praescriptio ex vulgaris iuris
regulis.

... Franciscus agat ex propria Persona
ad Fideicommissum, et non ad retractum, tamquam
heres Patris

Quod autem dictum fuit 3.o loco, quod scilicet d. Franciscus
... in ... alienatione contra ...
et voluntatem Testatoris, ... minime
esse verum, cum d. Franciscus non ... ex
Persona Patris, ut firmatum fuit, ipse autem numquam
alienaverit ex Bonis subiectis Fideicommisso,
siquid ex eis in dotem tradidit Sorori, ut articulatum
fuit, id facere potuit, cum non haberet Bona libera
~~...~~
~~...~~ iuxta ... auth.
res quae Cod. ... de legat

Dilui[illegible]

[illegible] et [illegible] [illegible],
uerti [illegible] [illegible] sunt enunciativa,
[illegible] ad Uxorē [illegible] cuius [illegible]
[illegible] eni ei relinquin[illegible] [illegible],
[illegible] disposuerat [illegible]
[illegible] non [illegible] in facto contra[illegible]
appareat ex [illegible] et [illegible]
Bona hec [illegible] [illegible] pierunt, imo et
[illegible] [illegible] eius maiorū
[illegible] et [illegible]
non [illegible] [illegible] [illegible]
[illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] obetore exaudieru[illegible]
[illegible] ex [illegible]
[illegible] et [illegible]
[illegible] [illegible] enclus [illegible]
in hoc [illegible] iudicatū

a Citoyen [illegible]

[illegible] Daniel [illegible]

[illegible]

Auxilium a Deo

Inanzi [illegible]

[illegible]

sentenza di Mons.r Ill.mo Vic.o Marini, che hora [illegible]

[illegible]

di gran virtù, et bontà, et da persone [illegible]

stimato, et visser

Propose [illegible]

[illegible]

[illegible]

et [illegible] dire, che la causa molto

più valeva, onde [illegible]

stima, non scostandosi mai [illegible]

[illegible]

et senza ne tampoco contestar la lite con la

perentoria eccettione di [illegible]

essere licentiato, et liberato, [illegible]

[illegible]

Giudici di quella Terra con [illegible]

[illegible]

[illegible]

et da d.° [illegible] fu' sentito [illegible]

[illegible]

[illegible]

[illegible] [illegible] quale [illegible]

[illegible], et l'admissione del Retratto

[illegible] alla sua

sentenza, con la quale ne taglia [illegible]

e riforma il Giud.° appellato in parte veruna,

ma appoggiandosi ad altro [illegible]

dall'attione, di cui si trattava, decretò la stima

della Casa [illegible]

[illegible]

[illegible] certo, che [illegible]

[illegible] la sentenza [illegible], che

sicuram.te deve essere [illegible]

[illegible]

Imperoche certa cosa è, che la causa, che fà [illegible]

[illegible]

è la Principal massima, et questo, al quale [illegible]

avvertir si deve, questa verità s'hà chiarissima

dall'instanza dell'Att.[illegible]

che tuttavia stà, et vive, et più [illegible]

dalla sentenza stessa di Monsig. [illegible], mentre

questa principia, et espressa con queste parole

In causa Retractus.

[illegible]

devoluta al suo Tribunale, et non d'applicar[illegible]

[illegible]

[illegible] , ascattendosi [illegible]

tutti del giud.° all' Uff.° dalla prima instanza ;

[illegible]

ed non si doveva in questo giud.° [illegible]

[illegible] ecito , di cui si trattava ,

[illegible] siano in attione. [illegible]

[illegible] opposta l'eccettione [illegible]

toria di prescrittione , onde sopra d'essa deve

[illegible]

[illegible] poteva , et doveva

[illegible]

ispeditissimo , et sostantialissimo [illegible]

ed un' interlocutoria che confonde il giud.° ,

et leva la causa dal suo alveo ~~[illegible]~~ ,

ongorche o non osta l'eccettione [illegible]

al Retratto del Sig.r [illegible]; et in caso tal

[illegible] stima

[illegible] et [illegible]

non lo puono habilitare à conseguirlo

[illegible]

[illegible]

sia dovuto, onde qual si sia stima non li può giovare,

posciache che la Casa vaglia molto, o poco;

[illegible] ragione di ritenere,

ma s'ha' solo di vedere, se il Retratto da lui

intentato [illegible]

[illegible] opposta li obst. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

in caso d'aperta [illegible], al Sig. [illegible]

[illegible]

come espressamente [illegible]

[illegible] d'alterazione

[illegible]

giud.re et non si vede [illegible],

ex ove non se indica, sicche la sentenza stessa

si dichiara, essere di Retratto et non d'altro

[illegible] quella mostra patente la sua nullità

[illegible] adatta all'instanza

[illegible] delle parti, non essendo

d'ordinario [illegible]

[illegible] dal Brivasi [illegible]

[illegible] e qui dica il d.o Sig.re, che se

vera la sua causa è di Retratto, ad ogni modo

lui nel [illegible] dal giud.re accumulata a

detta sua attione anco quella di lesione,

come pare accenni nel ~~[illegible]~~ libell. [illegible]

che

... che si risponde, che non ... ,

ma scherza, mentre sa' ancor lui, ...

... , che ...

cumulat.ne di lui attione fra loro contrarie, et

repugnan, ma sono di quelle, ...

et che tendono al med.o fine.

(per ... di Retratto si ...

et repugnante a quella di ...

... , perche

...

...

...

del med.o con l'imputat.ne dei fru...

supplem.to del giusto suo prezzo

...

et relassat.ne delli Beni con ...

...

... sig.r Nel ...

indo

...cumulative sopra d[ett]i ...

Solvat Apollo

... cumulo, dunq[ue] deve esser giudicato sopra d'una sola, et ... d'una giudicar si deve ...

... il Retratto ...

sopra il solo Retratto dir si deve la ragione, ... terminare ... della Casa.

il Retratto, come dissi, fece ... il Sig[no]r Andriani, et ... non li obstano la ... el tempo, ... parti del Giudice ... alcuna prima; et se non li ... li obsta la ...

consequentia in questo giud[ici]o non s'ha da

[illegible]

[illegible]

[illegible]

[illegible] il [illegible]

[illegible]

[illegible] alternativa, e la [illegible]

d'uno [illegible] il supplim.to del [illegible]

[illegible]

le sue [illegible] [illegible]

prima non è, nè si [illegible] [illegible]

[illegible]

[illegible] fusse, o' dar si potesse, ~~[illegible]~~ [illegible]

[illegible]

[illegible] s'[illegible] [illegible]

[illegible] ricono[illegible] eno [illegible];

[illegible]

[illegible] [illegible] il figl.[illegible] dal Ritratto,

salva à lui ragione [illegible]

[illegible]

menti, se si vorranno abbreviare, et empierle,
s'incontran spesso in abbreviar grandi, et se seco
volgarmente il [illegible]
[illegible] et con quella di ricavare,
[illegible]

[illegible]

[illegible] neo imperto [illegible]

[illegible]

et addimandato [illegible] il [illegible] [illegible]

[illegible] questa lite conveng

insieme

[illegible] lasciar la [illegible] infeudatione di frutti

et assolutione dei medesimi

[illegible]tione del [illegible] et non esser tenuto à [illegible]

[illegible]

[illegible] di supplire al giusto [illegible]

[illegible]

[illegible]

[illegible] la [illegible]

et Dico.

[illegible]

necessaria la stima [illegible]

accudire all'attione di Retratto, perche con'essa

[illegible]

[illegible]

[illegible]

[illegible]

fin°, [illegible] nello [illegible], [illegible]

invistria? [illegible] [illegible]

[illegible] di Presidente, questa [illegible],

[illegible]

[illegible] ; [illegible],

il [illegible] [illegible]

[illegible]

insussistenza del d.° giudicato

Stà conosciuto il [illegible], [illegible]

indanti; et in conseguenza [illegible]

del giud.°, onde [illegible], non potrò far [illegible]

il [illegible] della causa, [illegible]

[illegible]

[illegible] et inappellabile [illegible]

et [illegible], et han fatti

tutti li suoi sforzi [illegible] ingiusto

et l'insussistenza d'un giud.° [illegible]

[illegible]

la sua

[illegible] ~~[illegible]~~ riforma [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Clero, e l'altra temporale sonra [illegible]

[illegible]

[illegible]

essendo stata [illegible] tale [illegible]

~~[illegible]~~ [illegible] nell'Instrom.to

[illegible] anno 1444,

perciò come si vede non si dà, ma intiera lascia la

[illegible]

decisione della [illegible]

[illegible]

ragion comune, et li statuti, et second

uedit i ha da iudicare.

P.ᵒ l'esperienza h.ᵃ ... ostantissimo ...
... intorno ...
... cioè la certezza ... et
... doveva ...
... come ... giudicano ...
P. Daniello. et ...
... et ... di stima, come ha' fatto,
~~...~~

Circa la ... il Giudice sud.ᵒ ha' taci-
tam.ᵗᵉ rivista, ò almeno ...
...
...
... instanti,
...
Sig.ʳⁱ Consultori, che nella prima sentenza non
li ... vitto

Gl' [illegible] totalm.te [illegible]
cause [illegible] naturalm.te [illegible]
[illegible]
[illegible]
altre eccettioni [illegible] di sopra discorso
onde, se si [illegible] dir la stima, si fanno virtual=
mente causa di [illegible], et così [illegible]
accumulate [illegible] azzioni, ancorchè fra loro incom=
patibili, et [illegible]
[illegible] saviamente risposto [illegible]
riservata la ragione [illegible] in altro
giud.o

[illegible]
[illegible]
della Diffinitiva; onde secondo [illegible] Statuto della
Patria sotto la Rub: 78 de appellat., ed sarà
per avventura stato allegato dal Sig.r Avversario à
suo favore d'appellabilissima in quelle parole

Nisi esset talis interlocutoria, utì tale sententia quod non posset reparari per appellat.nem in diffinitiva

[illegible] [illegible] [illegible] [illegible] [illegible]
et l'interlocutorie in qual [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] fatta [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] al [illegible] [illegible]
[illegible] [illegible] la questa della stima [illegible] [illegible]
viste [illegible] l'eccezione [illegible] [illegible]
[illegible] la [illegible] sentenza non solo [illegible] [illegible]
tione, ma ad [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] al livello della [illegible] [illegible]
[illegible] Andreucci [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] l'eccezione [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] giud.

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] non ha [illegible] [illegible]

[illegible]

[illegible] irtax [illegible]

della stima, ancorché dedotta [illegible]

[illegible] in essendo stato [illegible]

[illegible]

alla [illegible]

interlocutoria [illegible] disposizion di ragione è soggetta all'appellaz.ne, mentre l'appellante adduce [illegible] gravam.e, aggiungendo [illegible] il Giudice in caso tale non [illegible]

[illegible] se nella presente sentenza sia [illegible]

[illegible]

[illegible] [illegible] [illegible] ... meno in
fatto [illegible], et [illegible] le [illegible], la
[illegible] [illegible] in altro non [illegible]
nell'eccettione [illegible] di [illegible].

[illegible] [illegible] [illegible] ab'interlocutoria non
[illegible] [illegible] et pure [illegible] [illegible] [illegible]
rationabilis, [illegible] concessa

[illegible] [illegible] [illegible], secondo [illegible]
[illegible] [illegible] [illegible] [illegible], ab'in
interlocutoria, et all'ora [illegible] [illegible]
[illegible] [illegible] l'appellatione [illegible]
[illegible] [illegible] [illegible], et [illegible] non [illegible],
[illegible] il [illegible] inappellabilità molte [illegible]
[illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] et haverà fatto,
[illegible] [illegible] [illegible] [illegible] nell
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] secondo

primo

primo loco, et [illegible] [illegible] et non
abbraccia l'interlocutoria, [illegible]
[illegible] contra la sentenza et [illegible]
[illegible] ~~[illegible]~~ come detto sopra

[illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]

Secondariamente, [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] et [illegible]
[illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible] è stato
deciso, et terminato [illegible] 1622 16 Xbre
[illegible] l'appellationi tutte
[illegible] et sentenze [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible]

tutto [illegible] al [illegible] [illegible] [illegible]

et [illegible] [illegible] onde [illegible] [illegible]

[illegible] la [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

tant, et così [illegible] [illegible],

et [illegible] [illegible] [illegible] [illegible],

di [illegible] [illegible] [illegible] a chi [illegible]

[illegible] [illegible] causa [illegible] il [illegible]

[illegible] [illegible] [illegible] [illegible]

in [illegible] [illegible] [illegible] [illegible],

~~[illegible]~~

[illegible] [illegible] [illegible] riformata.

Concludo [illegible] [illegible], et [illegible] [illegible]

[illegible] [illegible] i [illegible] [illegible]

et [illegible] [illegible] [illegible] [illegible]

confermata [illegible] [illegible] prima instanza,

con la [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] il corso [illegible]

et [illegible]

[illegible]

[illegible] ogn'altra sua [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Si quid est in quo diuina [illegible] gloriam
in ueritatis inuestigatione [illegible]
ita, id uix infirmis fieri oportere existimo: [illegible]
ut inde ordiar unde bona omnia [illegible]
optatos exitus sortiuntur, a Deo immortali
[illegible] esto deffinitionis huius, ut ea tandem
[illegible]
facunda discussa. [illegible] mortalium [illegible]
Sacerdoti suo aeque adminiculetur et adiu.
Tu uero praesul Amplissime attuere ac
[illegible]
[illegible] apud ipsius
[illegible]
a nec ego quidem uereor quin facile tu
[illegible] intelligas tu ab is maxime obseruari
et coli qui ministris tuis patrocinium
[illegible]
[illegible]
[illegible] deffensionem expediat, facultas ac

[illegible]

[illegible] sacerdotis innocentiam conuellan[illegible]
[illegible] dedo [illegible] calumniarum turbines [illegible]
[illegible] aura [illegible] [illegible] [illegible]
[illegible] ac opprimeren[illegible] in ingenium [illegible]
[illegible] uirus [illegible] pando, post uarios calu[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ac [illegible]
[illegible]
famosum carmen [illegible]
composuerit, cantauerit, ac alijs [illegible] ultro
exhibuerit [illegible] carmen [illegible] hoc [illegible]
[illegible] ad calumniandum excogitatum atque [illegible].
Nam [illegible] quae ad [illegible]
innocentiam maxime [illegible] quos antequam
descendam [illegible] ac [illegible] [illegible].
in [illegible]

e coram judice ecc.° debere de iure can.° arceri ...
nihil probare: certissimum esse c. forus..
ubi glo: de vero signif: gl. in c. mulierem 33. q. 4
et in c. ex eo, 11 q. 3 . Ricc: consil. num. 6 vol. 1
... hoc potissimum pcadere in terris ... ut in
... quod adeo verum est ut potius ab ...
... [illegible] ...
... et Bal. in l. i num. 2ºs ff de appel. ... ex hoc
... [illegible] ... masculos demonstrando,
dico in criminalibus requiri probationes luce me-
ridiana clariores, l. fi. c. de probatio. c. sciant cunct.
2.° q. 8. unde videndum est an in casu ...
... probationes huiusmodi distinctissime ...
... a ... ... negari non possint
requiritur ... in l. qui ... c. de
... et in c. veniens ... ll. primo de test.
certum autem est in ... inquisitione requisita
huiusmodi deficere ... aliqui ... ...
... ... disponant ... quo

a. ...

... Sebastianus Bortolottus ...

... militia clare describuntur ...

Non admittantur ad faciendu ...

... contra inimicu ...

Bart. in l. in q. ff ad l. iul. maest ...

et in fi tt col. mat: Alex: cons. 127. vol. 4. mars
cons. 12. num. 12 Ruin. cons. 9. n. 6. et ista conclusio
[illegible] in, [illegible] plures testes inimici concordantes
[illegible]
[illegible]

[illegible]
[illegible]
testi inimico credendum non esse etiam deponenti
laborans in extremis et suscepto christi sanctissimo
corpore Bal. de pace cons. 55 [illegible] num. 12. Bart
cons. 137 n. 9. vol. 9. in fi. [illegible] Gramat: cons
ult. sub num: 3, quodque dicitur in testibus capitali ini
[illegible]
[illegible]
[illegible] sed talitur [illegible]
[illegible] cum Bal. in auth.
[illegible] dicatur de test: Alex: cons: 99 num. 2. lib.
1. Praeterea [illegible] 7. ad offendas fol 26: decim tertii fol.
32 decimiquint fol. 34. ac decimisext. fol. 3[illegible] [illegible]
[illegible] considerarentur videre erit scilicet innocentias suas

et tertias

[illegible]

e non l'hò sentita cantare da q[illegible]

nè so se sij stata cantata di notte sop.a il suo

[illegible]. Et 13 l'hò ben sentita cantare et psallo

[illegible] inferius ma non hò sentito cantarla dal

[illegible] is dopo cenato andorno sop.a il [illegible]

et [illegible] ad innocentis [illegible]

e verbis ma loro volevano cantare se ben [illegible]

[illegible]

adfuerit nec poena obsequi debet, non a. est

peccatum ubi consensus non adest [illegible]

[illegible]

a sociis R.i [illegible] asserit sed nunquam ab eo.

Dal Duca non l'hà mai sentita cantare [illegible]

dispositionibus dicta ad offensas examin[illegible]

[illegible]

[illegible]

quid multis opus est habetur in querela [illegible]

hanc d.nam ad confectionem huiusmodi famosa

cantilena: ideo cum sociis invenisse quia passus

est repulsas a D. Bartolomea

[illegible] illius [illegible] non

quod tamen mendacissimus [illegible]

[illegible]litatem nil redolet; ex his conflatus cordis

[illegible] constituta dicta carmina &

[illegible]

[illegible] recercans [illegible]

[illegible] dilemma. Unde [illegible]

non video. fundamentum n. adductus in quo

accusatio residet [illegible] cornuens, ne soli calumniatori

[illegible]

[illegible] posse ac [illegible] collabi

et marcescere [illegible] quod [illegible] aula exteri-

ori domus non ad turpitudinem [illegible] abominationes

ut iniuriose fuit [illegible] sed ad [illegible]

collaudandum [illegible] ad [illegible]

[illegible] canzon [illegible]

[illegible]

[illegible] concinit [illegible]

[illegible] cap. 16 [illegible]

no [illegible] in contrarium machinata

alii

[illegible] in-

nedius contra paupertatem huius sacerdotem allata
et obruta. Quia nam demonstrandi [illegible]
[illegible] auctoritatem quidem minime fuisse non illud aliam
exhibuisse non contestes nec de eius [illegible]
cantatus; pariterque doctus psalmos super aula
[illegible]
[illegible] quod cuiuis alicui fidelitati ut attendit.
exquisitis testes illa eodem loco alterius adducunt
[illegible] addo probata supra i ad differre excellit
namque manifeste apparet hunc honestissime vita
sacerdotem usque adeo continentiae inservisse
corpusque religiosus intactus ab omni carnis im-
munditie, [illegible] ut dictum [illegible]
[illegible] audivi, [illegible] florenti aetate acriores
stimulos concupiscentia subministrat ac studiosius
talius verecundiam oppugnare et expugnare
conatur cui resistere maxime [illegible]
existimandus ita in presbitero [illegible]
non absque laude transire [illegible] [illegible]

[illegible]

[illegible] alius iste de vero contingentibus dici ac [illegible] debet. Pergit modo navis ac fluctus gradatim superat, iactaq. Anchora nauta vires resumendo, ut Ill.mi Iudicis benignitate vela intumescant hum. [illegible] expetit. Illud iam diluo quod q.dus [illegible] [illegible]pinaliterq. transmissum falso introducitur, quod in [illegible]

[illegible]

Laurentius Perellius ad offensam examinatus [illegible] apparet [illegible] fatetur quae adscripta calumnia [illegible] Fol. 13 ter. [illegible] 18 ad [illegible] tollitur. [illegible] [illegible] intorno [illegible] nella sua opinione [illegible] scandalo. Altro dice [illegible] haver detta ta parola [illegible] al scandalo, quibus sic [illegible] Ill.mi principis, et dico depositionem [illegible] Fol. 32. ter.

in

in totum verificari; dicit hic testis. quanto i[llegible] me eo
vedo che questa sij una pura persecutione contra

G. Antonio Veron. effectu dei rustica plata
ique in ipsa verificantur. sed quid multis
moror! cartas lusum si aliquo exercuit fuit in re
minima et recreationis causa ut [illegible] testes [illegible]
10. 14. 11. omnia n. quae ludo subiacent in extra

[illegible] vendo excheraba[illegible]

[illegible] nullam video, aut certe levissimas [illegible]
[illegible] esse posse. dicit namque Diaz in pract: crim. cap.
64. fo. 56. ibi, ego vero in huius delicti animad
versione non facile describi posse certam doctr.
sed circumstantias uniuscuiusque considerantia arbitrari
oportet. qualis sit consuetudo ludendi, quae quantitas
pretij qualisve exempli principiis et an in hoc
delinquentes orationem ludi divina dixerunt
[illegible] quibus [illegible] [illegible]
ministrare dixerit, quae omnia si in casu nostro
examinentur [illegible]
exclusiva reperientur. [illegible]

in [illegible] 5. 1. 0. 9. 11. 13. querela, et sic corruunt non

enim [illegible]

[illegible] ad calumniandum [illegible]

[illegible] immo [illegible]

in [illegible] [illegible]

[illegible] iudici [illegible]

[illegible]

[illegible] Potest [illegible]

[illegible] id [illegible]

[illegible] itaque dicitur, R.dus nullam omnino culpam

[illegible] clarius [illegible]

[illegible] distinguunt

maleficia, ut inquit Paulus in l. qui iniuria in pr. ff. de

[illegible] tex. in c. non quod aliquid, 15. q. 1. Bal.

cons. 06. in [illegible] ubi [illegible] Azonem dicentem

tolli voluntatem et omnis actus erit indifferens, nam

voluntas, propositum [illegible] intentionem agentis informat

[illegible] ideo [illegible] multi

[illegible] contra mandatum fol

[illegible] secundum intentionem [illegible] causam

iudicandi sunt boni vel mali, interest enim plurimum

sua causa

qua causa, quo fine, qua intentione quid fiat, ut dicit
magist. sent. dist. 4 cap. 3. ubi pulcherrime Thom. et alij,
[illegible] cum animus in delictis sit spectandus ita
non exitus, l. divus Adrianus, ff. de sicar. Ideoque hom
necandi causa cum telo ambulaverit lege cornel. de
sicarijs tenetur l. 1. ff. eo. et idem clarius de eo
qui cum telo, c. eo. et dicit tex. in d. l. 1. §. divus, ff. eo
quod occidens non animo occidendi absolui [illegible]
[illegible] quod vulneravit ut occidat, pro homicid
damnandus esse ut dicitur in l. 1. c. eo. quod cum
[illegible]
crimen n. contrahitur, si in voluntas nocendi intercedat
ut Paul. sentent. tit. l. 5 qui hominem occidit, aliquo
[illegible]
damnatur. [illegible]
damnandus esse. tantum n. quis delinquit, quantum
concupiscit, ut not. in c. cum quis de usur. c. non
afferamus, in fi. 24. q. 2 maleficia n. tunc dicitur
committi, et punienda erunt quando ex cordi
[illegible] ut [illegible] Hier. qui plura advenit com

num. 23. et seq. et cons. 103. num. 1 et seq. et iniuria non est
nisi animo iniuriandi [illegible] cons. 187. num. 14. actus
n. humani regulantur ex fine ut p. Oldra. a cons. 220
num. 3. et etiam cons. 13 Cuma. cons. [illegible] et Gratian.
in gravioribus delictis. Gram. decis. 97. num. 9. et
quod animus attendi debeat, probatur ex definitione
[illegible]
suum unicuique tribuens l. 1 ff. de iust. [illegible]
ergo a contrario sensu iniustitia, quae nil aliud
est quam delictum consistit etiam in voluntate sine
eiusdem animo [illegible] delictum neque dolus neque fraus
est ut [illegible] num. 1
et 2. de reg. iur. et dicit Bal. l. [illegible] de const.
[illegible] quod animus et propositum distinguunt
[illegible] maleficia. animus quoque non
[illegible] traditus Schol. cons. 34 num.
14. et cons. 34. num. 25. 30. et seq. quia
[illegible] poenam imponit ut idem Schol.
[illegible] cons. 37 num. 4. quibus sic stantibus in

nisi

est verissimus, non utiq[ue] Beatitudinis correctioni [illegible]

[illegible] ad scandalum [illegible]

ut hujus petulantiam compesceret, quod si [illegible]

[illegible] quid evenerit non usq[ue] ei attribuen[illegible]

qui [illegible] prohibitus honestus habuit ac [illegible]

[illegible] precipue

adscribendus. de necessitate autem dicat

[illegible]

frenandi [illegible] suae [illegible] ad [illegible]

[illegible]

[illegible] ecclesiasticis [illegible]. Veniam modo [illegible]

[illegible]

ante legitimam etatem a carcerato sibi ipso

alterius manu missa, ut ordinibus initiaretur

et ad supremum sacerdotij gradum evaderet, conscriptam

[illegible] in qua tu ventilanda et discutienda

multa quidem et urgentissima [illegible] considerand[a]

[illegible]

vel non, an eam procuraverit, et sciens

contraxerit tamen nihilominus [illegible]

nec antiqua aggrediar examinaturus Caeli intuens
auxilium desuper imploro, numenque divinum con-
invocans dona eius gratiae meum elargiri humiles
exposco, [illegible] hoc pacto ut ea tu Iudex
[illegible] scriborum incompositorum naufragium non generaliter
geras: sed illa indulgens audias ac exaudias
igitur contenior bina Gladia invocatione dimidia
[illegible] qui sine capite habent. [illegible]
[illegible]
conscripta dici potest aut. dici [illegible] Nam
si verba integra, ac integrae lineae cum eius
notis in [illegible] [illegible]
[illegible] nullam habere, cum illis
similitudinem habere nihilque commune [illegible]
sed diversitatem maxima
[illegible], adeo ut innocentia clara appareat
et manifesta, nec ad rem facit si diceretur
[illegible] in [illegible] illius manu
[illegible] in unius [illegible] scriptura
si debito ac exacte fuerit examinata [illegible]

manifesti

erat numquam applicaverint. Unde ...

... ...

litteras, de facili non presumatur ut per Castr. cons. 136.

num. 8. et comparatio non est probatio ex quo

... ...

auth. de instr. con... fide. in pr. quod ...

legis conantur evitare ut in l. iubemus c. de

Bart. loci. in cons. 127. circa med. ibi est notan...

nam si facile ... posset ut quis

... scripturam inimici imitatam ... et

... eundem innocentem ... culpa ...

gravissimas poenas dari ... cogitem

... quaero cur non R. Francisci ...

manum illud dicemus cui nomen illius ... eius ...

caracter valde si non in totum ... cum

... infelici (probabilissime ... tamen ...) ...

facilis hoc adscribi ac imprimi oporteret? ...

... litteras ... non ... ...

... ...

... ...

ita singulariter rex: in d. Auth. de mili. cau

dicit, quum non ita in hyeme ac in estate
scribitur, ideoq non splendet fama illius, qui
nobilibus noribus ... dixit est onoranda, nec
dicatur ... negare cuius manu conscripta

... nec illius

... excusat ... Bartolomeus
et ... capitalissimi inimici eius

... abunde ...
dictum. ij n. afferunt in aliquibus similiter esse

canonicum post reintegratum caracterem Curiani non tam
in toto quoque nihilominus dictus non caruit, tam
ratione militiae, iam oppositae, quod iuris allegat
[illegible]
nec [illegible] curiam aut equitati congruum, ut
subticendo non pro meritis literas ab aliquibus
efferri ac spargi faciant, non profecto Ill.mo
[illegible] maxime cum carceratus fidem ipsam
[illegible] habitam [illegible]
[illegible]
[illegible]
[illegible] toto [illegible]
[illegible]
[illegible]
[illegible]
fateatur hic sacerdos in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ac [illegible] ramanus

[illegible] nel suoi [illegible]
[illegible]
[illegible]
[illegible] mi ricercò [illegible]
[illegible] io gli [illegible] per far una [illegible] d'uno delli
vicarij ma non mi ricordo se della parocchia mia o
di [illegible] la dottrina xpiana [illegible]
[illegible]
[illegible] in [illegible]
[illegible] quomodo
[illegible]
[illegible] considerandi
ac ruminande veniunt agitur nam [illegible]
[illegible] calumnia
a catholicis innocui, et honestissimi sacerdotes.
[illegible] stato [illegible]
et a veritate aliena credit [illegible] in
[illegible] fol. 73. Io non mi ricordo certo di
esser stato ricercato d'altri à nome di [illegible]

fedi, ma mi par certo che lui
in persona mi habbia ricercato. Et nihilominus
[illegible] ab eo fidem de qua
ipse fatetur habuisse. Unicum hi duo [illegible]
[illegible] in uno de [illegible]
tota depositio corruit [illegible] communem
dicta Alex. in l. si ex falsis num. 13. C. de trans. et
cons. 27. num. 3. lib. 2. quem refert Dec. cons. 105. num
3. [illegible] cons. 2 num. 18 l. 2. et hec conclusio
[illegible] capitula [illegible]
[illegible] sunt contraria nam
[illegible]
[illegible]
dicit [illegible] in d. l. si ex falsis num. 5. C. de trans. et
Aber. [illegible] num [illegible]
illud dictum falsum [illegible]
dicta [illegible] in [illegible] num. 17
et Aq. lib. 2. clar. [illegible] q. 4. vers. sed [illegible] hoc
[illegible] addam [illegible]
[illegible] debitur
manifeste ab ipso [illegible]

ut [illegible] procurasse, atq. de lup. [illegible]

examinari fecisse [illegible]

in [illegible] accordare [illegible]

[illegible]

[illegible] cameris [illegible]

[illegible]

[illegible]

ad Ecclesias eius domos se contulit ut ab eo

[illegible] famosum carmen

[illegible]

[illegible]

[illegible]

[illegible]

una certa canzone giurando di non haverla fatta

examinatus noluit fateri Bortolotus [illegible]

7 timuit enim futuras probationes Blasulini

qui dicunt testes lup.a 28. atq. sua sponte

[illegible] abierit [illegible]

ob assertas falsas [illegible] alligas minas [illegible]

[illegible] sub 27. [illegible] patria

reliquisse

[illegible] eo quod futuram inquisitionem timeat.
multa hic ponam illius ex nomen [illegible]
[illegible]
[illegible] sed nec probare illa in
[illegible] ne offenderetur afflictus sacerdos noluerit.
[illegible] namque illi tuta [illegible]
prelatus Religiosissimus cuius maturo iudicio [illegible]
[illegible]
[illegible]
[illegible] posteriorem exhibuisti, sed si vera exhibuerit
nec quia probationibus in hac parte carceratus
deficit, est [illegible], haec enim convenerunt nobis
[illegible]
nec indigerent alicuius presentia, quoniam forte
diceretur conuinci eo quod Romam paulo post
[illegible]
[illegible]
[illegible] non reperitur [illegible]
facilis et [illegible]
quod non [illegible]

sed

[illegible] in [illegible] [illegible]

successit testes sunt insignes [illegible] 31. 32. et quo

extrisse dicunt cum in pendenti fuisse [illegible]

Patriad non [illegible] aut Romam [illegible], ac tandem

ocio [illegible] inimico in ede princ[illegible]

Deo sacrum facere decreuit, prout [illegible]

[illegible] exequatur [illegible] noles. Adversarios

[illegible]

detrahendi excogitare ad [illegible] autem

[illegible]

[illegible] infelicissimus

et undiq' malignantium linguis impetitur

[illegible]

[illegible] [illegible] ut omnium

[illegible] ad

[illegible] 18 [illegible] quis non [illegible] carcerato

dilacerationem hanc non posse adscribi; cum [illegible]

[illegible] continuando ex quibus

[illegible] et tanto nobilior [illegible],

Ita [illegible].

ita Castr. in l. 2 num. 7. c. qui test. fac. poss. et generaliter
[illegible] bon. [illegible]
[illegible]
de his quae in testam. delen. vel. non tene... bon.
[illegible]
[illegible]
[illegible] quem test. tenet in l. omnes [illegible]
num. 39. sub versiculo tandem de inst. et iur
dicit semper esse memoria retinendus et hoc quidem
[illegible]
[illegible]
sententias sequi debemus Angel. cons. 99. num. 5.
[illegible] etiam [illegible] principum vol. 1.
[illegible]
[illegible]
[illegible] quae plurimas habet
quam directo [illegible] solus omnis
virtutis [illegible]
[illegible] Dominus [illegible]
tempore [illegible] voluit [illegible]

fuerat portatus habetur ex dicto q.di [illegible]
vicarij Fol. [illegible] in ipso libro [illegible]
[illegible]
[illegible]
a un chierico Zaccaria fanio hoc quidem
[illegible]
nullus [illegible] vel minimus dubium [illegible]
[illegible] sacerdotem [illegible]
bullam [illegible] Sixti quinti [illegible]
[illegible]
[illegible]
[illegible] fuerint in ipsis constitutionibus
[illegible] aliae sibi datae
exhibuerit, non autem ibi ipse [illegible] ex
malitia eam fecerit, ut ex iam dictis
facile colligitur [illegible] ex attestationibus
fol. 23 ad defensionem. dicunt n. testes opinionem
[illegible] communem publicamque famam in loco Zagarae
quod [illegible] caruerit nonnullis fidem ab eo
[illegible] exhibitam vel ei hoc insinuati

[illegible]

[illegible] ando fuisset quod illa nullatenus [illegible]
[illegible] pena [illegible]
[illegible] l. maronem c. ad leg. cornel. de fal.
[illegible] in tract. suo crim. tit. de fallis num. 4.
[illegible] in c. in [illegible] ana
falli [illegible] genera falsitatis sunt diversa
ita [illegible]
reperiuntur Apostolicarum literarum falsarij. nam
[illegible]
[illegible] curiae saeculari [illegible]
traduntur, et est casus ille inter speciales in
quo clericus iudici saeculari traditur ita tex. in c.
ad falsarior. ubi [illegible] legitimas [illegible]
[illegible] traduntur. [illegible]
censura mirabili; ideo noluit clericos membri
mutilatione aut ultimo puniri supplicio [illegible]
[illegible] bene [illegible]
[illegible] delinquissent [illegible] mandari
[illegible] ac caeteros ab illorum imitatione [illegible]
[illegible] canonica [illegible]
[illegible] adeo ut incorrigibiles [illegible]

[illegible]

1

[illegible]

[illegible]

Ci erano in terra [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

et [illegible]

haveva [illegible]

et l'ommino [illegible]

[illegible]

[illegible] non [illegible]

et operava come [illegible]

passato quel giorno [illegible]

et faceva una nuova [illegible]

colà per sua mala sorte haveva [illegible]

[illegible] Pietro [illegible]

[illegible] amici [illegible] primo [illegible] nomi [illegible]

[illegible] questo doppo hauer ancor lui fatta

seco collatione in detti Piasottis, et seguito ben

[illegible] carbina [illegible]

et [illegible] generosità con la robba

del medesimo [illegible]

[illegible]

[illegible]

[illegible] mezzi [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

colà arriuato ritorno a [illegible], et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Discorso [illegible]

e [illegible], con [illegible] [illegible]

[illegible] [illegible], di nitro

[illegible] cioè [illegible] [illegible] di

[illegible] suo [illegible] con la chiave, et

[illegible]

[illegible] qua [illegible]

[illegible], et invitato dal suo compagno [illegible],

quelle [illegible], et [illegible] in maschera con Michele

[illegible]

a [illegible], villa distante mezzo miglio in circa

e nel [illegible]

et questi [illegible]

compreso dalla propria [illegible]

[illegible]

haveva sotto [illegible] al fianco, et [illegible]

che haveva [illegible] una [illegible] che li scendeva

sino a [illegible]

[illegible] non poteva valere

[illegible]

riferiscono li testimonij pur ex [illegible] essa [illegible]
mente chiaram.te dicono, che ritornò di venere
et che doppo hauer ballato, et venuto [illegible]
[illegible] enemo
[illegible] la testa con una cortella in mano, come furibondo,
et forsennato; onde auenne, che fu poi preso, et
alla Giustitia del Rè consegnato.
[illegible] una
sola, se al [illegible] dare una à Michele
occasione del ballare, o della rissa
[illegible]
[illegible]
[illegible] non [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Fù riferito à questo, che due [illegible] haueuano

con gran libertà, et pubblicando [illegible]

sua crudeltà et [illegible] [illegible]

ritrouassero in un congresso, oue si [illegible]

lui inuitato à cena, et osseruato [illegible]

nel bere, et parlare, finalmente hauendo Vino [illegible]

[illegible] et

l'altro astenutosi così dal Vino, come dal [illegible]

Perdonò al Primo, conoscendo, che haueua [illegible]

lui nella maldicenza ouuero dal Vino [illegible]

[illegible]

[illegible]

[illegible] non [illegible]

Deue esser scritto ad un [illegible]

no, che [illegible] haueua [illegible]

[illegible] tutti i suoi [illegible]

non haueua [illegible]

In questo Stato di cose essendo stato preso [illegible]

delatione di [illegible], con la quale [illegible]

di Dio non [illegible]

[illegible] Ella commettono eccesso, non si [illegible]
[illegible] diversità [illegible]
ipso [illegible] si s'aggiunga quello [illegible] et hanno
toccano nella Stat: 2 [illegible] maled: [illegible] cioè ancora
in pena contenuto, o statuto particolari [illegible]
a' quali se sian rei, o delinquenti non si dovrà
usar misericordia; ed anzi non s'intenderà
ne sem[illegible] non inclusa, anzi eccettuata il
[illegible]
l'Ubriachezza, e' una [illegible], et [illegible]
insania; Onde il [illegible] conclude nella
[illegible] non
[illegible]
[illegible] (ssima) [illegible]
[illegible]
[illegible]
[illegible] mia
[illegible]
[illegible]

uelli, che di due pusero stat... [illegible]

[illegible] mal dicenti nell' [illegible] ; onde

[illegible] L. x. Cod: si quis imperat: male[illegible]

e rimedio ogni penal, et dice concede il

Serenissimo suo questo favore veramente eg[illegible]

Si quis modestiae, nescius, et pudoris

ignarus, im[illegible]

[illegible]

ac temulentia turbulentus [illegible]

[illegible]

[illegible] consuetudinaria,
[illegible] che ha vissuto
[illegible] sommo [illegible]
suo [illegible] sollecitazione [illegible] di
[illegible] esercenza [illegible]
[illegible] era [illegible]
[illegible]
[illegible] et [illegible]
[illegible] ordinato dalla
[illegible] anco [illegible] di [illegible]
[illegible] verrà [illegible] dalla
[illegible] benignità, [illegible] altro non
[illegible] accadura
[illegible] della colomba, et [illegible]
sola [illegible], et [illegible] monachella
[illegible] et gl'ordini sacri [illegible] anco
[illegible] implorino, [illegible]
[illegible] sua [illegible]
[illegible] di durissima prigione [illegible], et gravi
[illegible] dal Padre, et [illegible]

La [illegible] volontairement [illegible]

commune, et [illegible]

[illegible]

et [illegible]

et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Irrigatione

1556. [illegible] [illegible] [illegible]
[illegible] Mathia [illegible] [illegible]

1556. [illegible] [illegible] [illegible]

[illegible] dicta [illegible] [illegible] [illegible] [illegible]
[illegible] in Principatu [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et inter caetera [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Curbelano [illegible] [illegible]
[illegible] fratribus Duc. 250, [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Matrimonij [illegible]
[illegible] [illegible] tandem in [illegible] [illegible]
[illegible] Principalis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] filius [illegible] [illegible] secundo Maria
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
temporis [illegible] [illegible] [illegible] Legato [illegible]
[illegible] [illegible] [illegible] Duc. 150, [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
400; Mortuus [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Adriana [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] anno 1526 [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
Minores [illegible] [illegible] [illegible]

Baptistae et Beatrice [illegible] pupillis
eandem Curatricibus, ex [illegible]
[illegible] [illegible] [illegible] [illegible], ut [illegible]
in Processu [illegible] 4; ita [illegible], ne
[illegible] [illegible] in [illegible] [illegible],
tandem [illegible] [illegible] [illegible] [illegible],
interpellationes ac [illegible], [illegible]
in Processu [illegible] de anno 1637
[illegible] [illegible] fuit, [illegible] [illegible] iudicialiter
[illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible], ut
habet ex [illegible] [illegible] [illegible] in Processu
[illegible] [illegible] [illegible] [illegible] fuit
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
de anno 1627 [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] ex Sublimitatis Prudentiis in [illegible] [illegible]
Venetiis, [illegible] [illegible] Mariae nostrae
Testamenti [illegible] modo [illegible] [illegible]
[illegible] [illegible] in [illegible], quoniam [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible]. [illegible] [illegible]
[illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] aequalitatem in
[illegible]
[illegible] D. Mariae [illegible] [illegible]. [illegible]
[illegible] [illegible] aliquod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] D. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
quod inde [illegible] [illegible] [illegible]
[illegible] [illegible] q. D. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible]
aequalitatem quae [illegible] [illegible]
[illegible] [illegible] a [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible]
aequaliter [illegible] [illegible] in Testamento
a [illegible] [illegible] quo [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] masculos, [illegible] [illegible] [illegible]
aequaliter [illegible] [illegible] [illegible]

[illegible] cuiquit [illegible] (Inc. quod [illegible]) in
[illegible] [illegible] Inc. 3
[illegible] igitur [illegible] [illegible] [illegible]
provinciis [illegible] ex [illegible] [illegible]
[illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] ex [illegible] [illegible]
[illegible] [illegible] [illegible] (Inc. [illegible]
et [illegible] [illegible] [illegible]
ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
et integra [illegible] [illegible]
[illegible] [illegible] (Inc. [illegible]
in [illegible] ex [illegible] [illegible]
et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] devet [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible]
[illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] neq ab [illegible]

a' [illegible] [illegible] [illegible] in iudicio
Vocatis satisfieri debet, quia liquido
in Processu constat fuisse 256. [illegible]
[illegible] fuisse, et esse haeredem [illegible]
matris [illegible] legitime ex [illegible]
[illegible] eiusdem; contraque ipsos [illegible]
[illegible] esse filios, et haeredes [illegible]
[illegible] ex [illegible]
in Processu [illegible] [illegible]
[illegible] fol. [illegible]; [illegible] [illegible]
[illegible] agnovisse debitum [illegible]
[illegible] [illegible] [illegible], ut apparet
[illegible] in Processu [illegible];
[illegible] non [illegible] amplius [illegible] [illegible],
neque [illegible] [illegible] [illegible] in [illegible]
[illegible] in [illegible] [illegible] [illegible],
esse [illegible] [illegible] in condemnando
[illegible] [illegible] [illegible] [illegible] [illegible].
[illegible], et [illegible] ad [illegible] enixe
[illegible] [illegible] [illegible]. [illegible]
[illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] a die [illegible] 1627 [illegible]
[illegible] ad inde [illegible] dicamus, et dici
[illegible] debitores [illegible] et [illegible]
[illegible] rex [illegible] quando [illegible]
[illegible] vindicat: et ista lex [illegible]
vulgo receptum est de [illegible]
decernere [illegible] exactores
[illegible] et eorum [illegible]
[illegible]
[illegible] itaque [illegible]
[illegible]
[illegible] a die [illegible]
[illegible]

[illegible]
[illegible]

Capiti di dittezne d. Ind. Prem.°
di Cispinis

Che il M.co Sig. M. Pre Juanne Benedicto Preti di Spinj, et altre Ville annesse, e confinarie, ex ridondanza d'imputationi, che nel suo P. et [illegible] sono state opposte, et mostrar chiara la sua innocenza stata [illegible] [illegible], et in forti [illegible] maledicenze et ingiurie [illegible] più agiunti [illegible], ch'in stanza, che siano admessi, et [illegible] d'essi [illegible] li M.ri [illegible], et [illegible] siano ricevute le depositioni de testimonj, che saranno [illegible] riservandoli [illegible] salva facoltà di [illegible] impugnare [illegible] de testimonj [illegible] come falsi, et contro loro [illegible] quel castigo, che potrà servire a loro [illegible] a suo [illegible], et ad essempio d'altri [illegible] più [illegible] di ragine [illegible] salvis [illegible]

Che la Casa Presidentale [illegible] al R.do [illegible] nelle Ville d'Spinj e [illegible] angustia consistono di [illegible] sole stanze [illegible] di Cotto, et l'altra ad uso di Cucina etc.

Che esso M. Pre Juanne Benedicto è necessitato tenir la sua Famiglia, [illegible] una sorella [illegible] d'anni settanta [illegible]

Una Vestra [illegible] Massara, et circa trenta [illegible]

nella Villa di Pa[illegible] sotto, et soggetta alla

d.a Pieve nella sua Casa Patrimoniale etc.

Che esso P.re d.o per il più risiede nella sud.a di [illegible], et in essa si vede ogni altro giorno etc.

Che mentre non risiede, vi si ritorna tal'hora in d.a Villa anime perche le camere andar hor nelle Ville de [illegible] soggette alla sua Pieve, et colà trattenirsi quattro, et sei giorni per servitio di quell'Anime, et tal'hora in altri luoghi, et sue Chiese filiali etc.

Che d.o P.re n.ro Pievano risiede nelle Ville di Vimog[illegible], Ramota, [illegible], et [illegible] soggette anco in una il quartiere di Biane, et Vino; onde ciò per il servitio, che deve prestare in quelle, et nelle sue Chiese delle medesime, come anco per l'istanze [illegible] et per far battezzare le Biane necessarie le camere ritornar spesso, et trattenersi in d.e Ville etc.

Che gl'obblighi particolari [illegible] n.ro Pievano nella Villa di Vimog.no sono di celebrar ivi una Messa ogni mese, et nelle ordinationi et feste [illegible] delle Chiese, et nell' [illegible]

Ville di Rancho, salvo, et ingredir nella
Festa delle Titolari, et nelle dedicationi di
quelle Filiali etc.

7 Che in sua permanenza in Rancho è di [illegible]
giorni al mese per modo di transito manco
viene et ritorna di quelle Ville alla Pieve
et per far battezare, et governare [illegible] Piane che
[illegible] di Quaresima, et [illegible]

8 Che mai per s'absentare il d. P. dalle Ville
di Spinis è occorso, che vi mancasse alcuno
[illegible] di detti Sacramenti delle Chiese
così in Montagna, che in Pianura nelle
Ville soggette alla sua Pieve et se vi è
avvenuto ne sarebbe[?] la [illegible]
Testimonij, che saranno essaminati etc.

9 Che sempre da che il d. P. Provenzale è stato
Pievano nelle Ville di Spinis è stato di
continua residenza in esse anzi in [illegible]
la Cura d'Anime aspettante in quella superiore
[illegible] il quale in absenza sua in l'Esercitar
la Cura, et aministrati li SS.mi Sacramenti così
in Montagna alli Schiavi, come nelle Ville
di Spinis stando il [illegible] etc.

10 Che nelli d. Capellani, che per tempo sono
stati, et sono officiati in d. Ville, sono

tempo havendo ampla licenza dal R.do Producente
di poter essercitare la Cura nelli ocorrenze tutte
cantando le solite clementine senza [illegible]
innata, ò prohibita etc.

Che il R.do Producente mentre ne sia stato legittimo
imped.to d'infirmità e stato, et ogni anno sia
atteso ad ogni funtionalità alle confessioni
[illegible] il tempo del Ss.mo
Natale; di Pasqua di resurrettione; del Ss.mo
Corpo di Christo; delle Pentecoste, et altri
tempi di Publicatione d'Indulgenze, et in ciò sia
stato il suo Vicario con quella diligenza che
può derivare da ogni [illegible] Sacerdote et Piovano

Che il R.do Producente hà due sole Cantine, ne
imbotta il vino di suo tutto; una nella Villa
di [illegible] ove suol riporre et incanevare
l'ordinario cento carri di vino, ò poco più, che
fa nella Villa di Remanzacco sopra [illegible] Ronchi
et tiene nella Villa di Cuia per ragione d'
affitto, et l'altra nel loco di [illegible] ove
suol fare sopra li [illegible], et Beni cento
[illegible], et più di vino [illegible] di Quartese
in esso, et [illegible] anche cinquanta

10 Che tutti li detti Vini che imbotta il R.do
Producente [illegible] fatti sopra li suoi Beni, et

tuno di ragione d'affitto, et de quali a
quali frati s'anno somministrate le bisogne
p il loro vitto, et sostentam.to delle terre etc.

14 Che il R.do Prev.to sud.o non ha mai mancato nelle
Ville di Romandolo, et Toriano d'amministrare
nell'occorrenze tutti li SS.mi Sacram.ti a servitio
dell'anime di quegl'habitanti senza ricevere
ò pretendere alcuna pur minima recognitione et

15 Che il Camerario di d.a V.la di Romandolo è stato
sempre solito p antichissima consuetudine dar la
elemosina al R.do Prev.to mentre ha celebrato
nelle solennità di detta et p le spese, e bocche
in detto g.no, frati s'anno p la celebratione
delle messe de morti L. 14, et alle festività
della S.ma Pasqua di Resurrettione, d'alcuni confes-
[illegible] giorni à lui, et Capellano, che
trovasse seco p le spese di bocche, et è stato
[illegible] d'ordine al più longo

16 Che in d.a Villa ha sempre il R.do Provincale [illegible]
li Matrimonij tra quegl'habitanti senza
farsi alcun obligo, ò stare in alcuna
recognitione, che quel tanto, che dalli contrahenti
le veniva volontariamente offerto [illegible]

17 Che [illegible] nelle Ville di [illegible] [illegible]

mente è stato ricercato d'lui Mottato Prente
à continuare à suoi Parrocchiani habitanti in
esso così Vaani, che in Ville; A portar i
ogli Santi, dar sepoltura ai Morti, et fare
l'altre Funzioni tutte, che s'aspettano ad
Un diligente Piev.° senza pretendere alcun
elemosina, che quella sola, che spontaneamente
è stata [illegible] al doppio di tal (che non è però mai stata di [illegible] a tenor in [illegible] che [illegible]) per Lavande mai lasciato
mancare alcuno per suo difetto nelle Vacanti
mente è stato ricercato, essendo sempre andato
lui in persona, ò mandati i Cappellani etc.

18\. Che in riguardo del Viaggio, et fatica insostenibile
è solito così in detta Villa come nell'altre
tutte della Schiavonia et è stato sempre da
tanto tempo, che non è memoria d'huomo in contrario
di dar Vino acciochè recognitione alli Piovani
che sono stati pro tempore, ò al Capellano
in loro luogo sono stati in simili Funzioni etc.

19\. Che nella ~~[illegible]~~ benedizione de Matrimonij in detta Villa
è stato sempre di un minor Provento che nell'
amministrazione degl'altri Sacramenti, senza
pretender o pretendendo recognitione ~~[illegible]~~ ner [illegible] che
q.to è venuta spontaneamente offerta ~~[illegible]~~ [illegible]

20\. Che medesimamente nelle [illegible] di [illegible]

Ha sempre esercitati gl'incorrenti offitij, et è stato
Pronto in ogni tempo secondo l'occasioni nell'
amministrat.e de S.mi Sacram.ti della Confess.e
Communione, oglio santo, et nelle sepolture
de morti senza mai haverne, ò ricercato pa-
gamento alcuno [illegible] ricevendo solo quella
elemosina, che li è stata sempre data per
elettione d'essi, ò ricercava per le Fatiche
del Viaggio ~~[illegible]~~ non essendo mai il stato inquieto
[illegible]
2 [illegible] Che sempre che è stato ricercato si è mostrato Pronto
a mandare i suoi capellani, et far lui
andare in persona nell'occorrenze tutte ~~[illegible]~~
[illegible] né mai ha mancato nell'essercitio della
Cura in d.a Villa se non è avvenuto [illegible]
[illegible] ecclesiastico del Venerabile Comandato, [illegible]
[illegible]

[illegible] Che il P.re de Riodneante [illegible]
alla [illegible] d'Ant.o Blastutto,
et [illegible] di Gasparo Michilino di d.a Villa
[illegible] fece detto [illegible] Gilardesse [illegible]
[illegible] per [illegible] vende [illegible]
[illegible] impedi.to di Parentela, [illegible] haveva [illegible]
[illegible] d.a Villa, il quale [illegible]
[illegible] il P.re d. [illegible] [illegible] Gilardes
~~[illegible]~~

Che la S. Ecc.ma di quella Villa p[er] immemorabile
consuetudine mentre il R.do Prev.o producente et li
R.R.di suoi Precessori sono stati alla Villa ... in
d.o loco le ha dato a sue spese L. 6 al giorno
et p[er] la messe di ... 2 ... al giorno, et
tanto et non più ha sempre ricevuto il p.to
Benedicto dalli ... d'esser etc.

Che p[er] immemorabile consuetudine, et costume
ha veduto e, che li vicini ... nella Villa
di Taviano sogliano ordinario ... una Comunità
... alli R.R.di Prevosti ... o suoi
capellani ... ricercati vengono a detta
Villa a ... salariati ...

Che il p.to producente in ... a d.a consuetudine
... Volontariamente ... è stato
... o pretender premio
... ne ... mai d'andare
o mandare in tutte le occorrenze ... né in tempo
alcuno ...

Che nella Villa di ... il p.to producente
ordinario ... riconoscere alcuna ...
amministrat... de ...
... una Chiesa Parochiale ...
... non le mai data ... elemosina dalli
Vicini di d.a Villa etc.

Che ... d'Ecc.ma mediante ...

è stata semp.e sti.a … di due giorni con il
R.do tal Piev.o suol andar à confessare la Quaresima
per £ 2 : 4 : 7 – à sue spese et tanto mai si è
sempre ricevuto dalli Antenati d'ett.o, et … ecc.

Che il R.do frequentemente mai in un tempo alcuno
… Vini ne per ett.i dalle Biade in d.a Villa
et se le …asse quelle le … di …
l'avano essaminati ecc.

Che nella Villa di Cerguen di sopra li Camerari
della V. Chiesa di S. Giac.o d'ett.a nel giorno Festivo
Festivo di quella, et nel giorno di S. Anna … …
… sono sempre stati soliti dar alli R.R. di Pievani
£ 2 : 7 : – à loro spese, et al tempo della Confessione
… Pievano di Rettinetto … li giorni … i … et
…pell.o suol darle … elemosina della … ecc.,
… spese £ 1 : 4 : 7 … in … ecc.

Che mentre è occorso al R.do frequentare di portar
Sacram.ti a … Parochiani in d.a Villa, o d'
andare a confessarli infermi, … loro et
sono sempre stati soliti per tanto tempo, che non
vi memoria d'… in contrario darle la
fatica del Viaggio una conveniente elemosina
et d'ett.i sempre … si appaggava et contentava;
né … mai … o … elemosine
… Pievani, Cathetti, o gli altri, o alta …

Che il quello che viene in questo asserito, [illegible] stato dato da' [illegible] [illegible] [illegible] [illegible] in realtà [illegible] [illegible] [illegible] [illegible] all'[illegible] di [illegible] Pudone [illegible] [illegible] altri, ma solo danari nella quantità che [illegible] [illegible] [illegible] [illegible] la venivano date da' chi lo ricercava et ut

Che la Villa di Monte Aperto è lontana dalla Villa di Nimis miglia otto, Taipana miglia sette, Chiavinis miglia sei, [illegible] in sopra miglia quattro tutte montuose, et faticose et c.

Che fra la Villa di Nimis e la Villa di Taipana et Monteaperta vi è il Torrente Cornappo, che resta ingrossato a segno tale, che non si può [illegible] ne vi è una [illegible] et ut

Che sovente in tempi al tempo dell'Inverno sogliono serrarsi le strade, che inducono alle dette Ville di Schiavonia in maniera tale, che non è possibile portarsi in qualsivoglia modo alle medesime et c.

Che il R.do Piev. producente in dette Ville [illegible] soggette alla sua Pieve non hanno quantità di [illegible] benché ne raccogliono, non ha decima d'Animali in altro, che uno solo formaggio Piccolo per famiglia et c. Velo di Lana di Pecora, et che non hanno Animali per darle il formaggio, et lana se non solo quattro per Casa, ò famiglia et c.

Che tal regalia di Formaggio, et Lana di tutte [illegible] non vale a' giorni de' [illegible], che saranno stimati lire quattordeci in circa, calcolato in tutto formaggio si sono di mal tanta

di 35 in Libra, Libre 160, et Libre cento di
Lana in circa etc.

Che nella Pieve del P.do presentemente vi sono Ville
sedici cioè sei in ~~[illegible]~~ Piano, et dieci in
Montagna etc.

Che il numero dell'Anime nella d.a Pieve è tanto
grande, che il solo Pievano non potrebbe supplire
ne pure di un terzo ò altro nella Cura, onde
a questo effetto si à quattro Capellani co' Cura ~~d'Anime~~, che seco cooperano nel ministerio di
quell'Anime etc.

Che nelle Ville sud.e de Schiavi ove li RR.di [illegible]
et in Particolare quello che risiede nella [illegible]
di Attimis, [illegible]; gl'huomini et donne quasi
tutte sanno la Lingua furlana praticando
quasi giornalm.te nelle Ville di ~~[illegible]~~, et a
questa Città p il neg.o dei Carbone, formaggi
et animali etc.

Che nelle Ville di Schiavi la Parochia d'Attimis non è
intieramente ò altro sanno ~~[illegible]~~ gl'habitanti fanno
[illegible]; onde il P.do Pievano presentemente nelle
Feste[illegible] ~~luo~~ mentre celebra la messa gl'
instituisce nella lingua Schiava, gl'esplica il
Evangelio. Le insegna ai tempi soliti della
[illegible] come se [illegible] à fare [illegible]
[illegible] la dottrina etc. [illegible]

sia l. Peccati mortali, et Veniali, et Perciò
admetterli al Ss.mo Sacram.to dell'Eucarestia (?)
raccorda la penitenza, che se li deve portare, et
il modo col q.le si hanno à riceuere, et

Che da tanto tempo che nō è memoria (?) in
contrario l. RR. di Pievani Spettini hanno sempre tenuto
nella Villa di Spinis, come ha anco tutto il
R.do Producente Capellano [illegible] Furlani (?) c'hanno
sempre hauuto Cura dell'anime de Forani habitanti
sotto la Cura di Spinis insieme col d.o R.do sig.r Piev.o et

qte scoperta [illegible]
Che nelle Ville di [illegible] soggette
Cura di Spinis, é nell' altre circonvicine
nō si ritrova [illegible] di q.ti (?)
habbia mai saputo [illegible] il R.do Producente
[illegible]

Che la lingua [illegible] delle Ville soggette à
d.a Pieve è totalm.te differente da quelle del
Cragno, Carintia, Istria, et Dalmatia, onde [illegible]
li d.i Padri nō sarebbero atti à [illegible]

Che frà le Ville soggette alla Pieve di Spinis la
più abbondante di vino sono le Ville di Spinis
et [illegible], et tuttavia in esse mai il
R.do Producente fatto [illegible] di sorte alcuna
né di vini, né di [illegible], ò altro [illegible]

Che il R.do Producente è Religioso di buona
[illegible], et costumi, [illegible] alle sue

chiesa, et s'affatica nella cura dell'anime
di ogni suo potere etc.

Che sono anni 24 che egli ~~[illegible]~~ in d.a ch.a sta
et niuno, ne mai dalli suoi Parochiani è
stato portato alcuna molestia avanti
à questa S.ta Sede per alcun pur minimo suo
mancam.to nel servitio dell'anime, et ~~etc.~~

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

20

In Causa ad Sen.s vertente in foro ... appellati.s
inter Mag.cum D. Gregorium Bartolinum ex una et Mag.cum D.num
Petrum Morosella ex altera, infrascripta articulanda
se offerunt examinanda Ill.mo et Ex.mo [illegible] D.no
D.no meo Sem.r Col.mo

Et in primis videre cuius naturae fuerit contractus
celebratus inter istos duos Terminos intendentis.
Et ultimo discurrere, qualis fuerit eorum [illegible]
et Intentio in Contractu isto
Et excogitare, qualis erat, et est [illegible] D.ni
Bartolini:
Et tandem An istam obligationem adimpleverit, itaut
modo possit pretendere pretium a D.no [illegible] Morosella
Quibus Consideratis et cognitis clara apparebit
iustitia causae D.ni [illegible] modo [illegible]
[illegible] sententiae [illegible] Fenicci, et confirmatione
Iudicij Sancti [illegible]. Et quoniam semper ex facto
ius oritur; Factum formabo, ex quo de [illegible]
sententia est decidenda.

Mag.ci qq. D.ni Io. Batta. et Ioannes fratres Bartolini
Auctores D.ni Gregorij dum essent Creditores q.dam
Francisci et [illegible] q. Odorici Andreae de [illegible]
pro [illegible]; et dum vellent ab eisdem
satisfieri tandem dicti eorum debitores eis vendiderunt
anno 1587 pro [illegible] 114 [illegible] eorum [illegible]
[illegible] Cameris et [illegible], quae asseruerunt [illegible]
[illegible] mobilibus de d.a [illegible] in [illegible]
affictus pro [illegible] 2 [illegible] 2 [illegible] 2 [illegible]

Vrnis duabus Vini, et Matula Vna; et ipsi Dni
Bartolini excesserint postea affictu[illegible] durante dict.
Contractus, nec ne, non apparet, nec est presentis
speculationis. Constat solummodo quod anno 1679
Dnus Gregorius obtinuit ab Illmo et Rmo Patre illius
temporis [illegible] facultatem incantari faciendi Melioram.
Possidentiam eius Mansi ex quo ei non soluerant
affictum solui debitum et erant debitores plurimorum
decursorum; in uim cuius decreti incantare fecit easdem
melioramenta; sed in incantibus non inclusit eius
Mansum; sed Mansum [illegible] Adami [illegible]
Patrialis in quo non [illegible] quod uideri
potest exigendi [illegible] eius affictus. [illegible]
eius incantum obtinuit possessionem domorum omnium
cambiorum, et pratorum dicti Mansi. [illegible]
dictorum bonorum prohibuit ea uendere Dno Petro
Morosker, qui [illegible]
cum hoc Mansum parte erant inculta et [illegible];
[illegible] ipsi duo [illegible] uidendi
et emendi [illegible]; unde Dnus Petrus fecit
manumissionem Dno Bartolo, in quo se obligauit ei
numerare Duc: ducentos, et L 1093 — pro affictibus
decursis; [illegible] conditione, et [illegible]
quod e contra Dnus Bartolinus teneretur
euacuare facere domos nominatas in eius
incantionis et in eam possessionem immittere
Dnum Petrum, sicut et in possessione cambiorum et
pratorum desuper dictorum in actis [illegible];

cum hoc etiam sollemni Pacto convenerunt inter ipsos
Dnos, quod si aliquo tempore evenisset quod
Dnus Morosicha Primarius dictis Bonis Dnus
Bartolum. eo casu teneretur restituere Pecunias
omnes a D. Morosicha in [illegible] Sancta; Haec dictam
prout a me refferuntur leguntur in dicto manuscripto
concordata. Dnus Bartolinus cognoscens teneri
ad tradendum Dno Morosicae Domos Vaccas, prout
et campos, et Prata, misit Nuntios ad ipsas
evacuandum, et ad committendum Possessionibus eandem
quod de cetero se non ingerent in Bonis inantea.
Nuntij venerunt, dixerunt habitatores domorum:
sed non clauserunt Portas ipsarum, non et induxerunt
Dnum Morosicham in eandem [illegible] Possessionem
nec eidem claves tradiderunt, prout erat conventum;
habitatores ipsi, cum primum Nuntij discesserunt
e Villa [illegible], invenientes ianuas Domorum apertas
redierunt in ipsis et ad [illegible] eas inhabitarunt.
Dnus Bartolinus his factis, misit eius
Procuratorem ad Dnum Morosicham, ut Instrumentum
celebraretur iuxta formam Manuscripti, et
eidem misit Instrum. extensum manu D.
Millhang eius Agentis, ut secundum eum
extenderet. Dnus Morosicha tamquam minus
ignarus non acceptavit Instrum. istud conficere
credens, prout ut ei affirmabat Domos et Vaccas
et ipsam Possessionem esse [illegible] ingredi. Voluit
tamen, ne [illegible] conventis in Manuscripto

in fine instrum.ti, sibi promitti à D.o Procuratore quod Pacta, et Conditiones dicti Instrumenti ei observarentur; Celebrato instrum.o Dnus Morosticha se contulit ad Villam Alani ad effectum ingrediendi Possessionem Domorum à Venditoribus sibi venditorum, Camporum, et Pratorum, sed vidit quod fuerat deceptus, quia Domus non erant vacue, prout ei fuerat affirmatum, imo detinebantur à solitis habitatoribus prout, et caetera Bona; inde ipsis intimari fecit quod deberent dimittere Domos ipsas, Campos, et Prata, et hoc fecit, ut audiret ab eisdem habitatoribus, quod nunc vellent dicta Bona tenere, ut postea in[illegible] vocare posset Dnum Bartolin. ad sibi tradendam, et manutenendam ipsorum Possessionem, prout eam manutenere erat obligatus in Chirographo; Habitatores se [illegible] Intimationi, unde Dnus Morosticha notificavit Contraditionem, et impedimentum D. Bartoli.o, qui non curavit aliud facere, seu D. Morosticam in Possessionem immittere prout tenebatur; sed elapso tempore in quo D. Morosticha promiserat Pretium ipsi numerare misit ad ipsum Dignorem[?], Contradixit Dnus Morosticam Dignorationi, et petijt ab ea licentiari, cum D. Bartol.s non adimpleverit Contractum eidem tradendo vacuam Possessionem Domorum et Camporum, et in ea ipsum manutenendo, et deffendendo, prout convenerant per Pactum expressum; Causa fuit tractata in Officio [illegible] et tandem Dnus Morosticha obtinuit Sententiam ad eius favorem

à qua appellavit D. Bartolini ad Illmum Vicarium
Feniceum, qui Iudex motus etiam eius speciali
interesse confirmavit Pignorationem sententiam
incisam. Dnus Morosticha cognoscens quod Anguis
(ut dici solet) lateat in herba, tanquam multum
laesus appellavit ad Rmam Sanctam Sedem, et
modo petit ab Illmo et Rmo D. Ratta ~~[illegible]~~ et
Principe infirmari sententiam [illegible] alias
incisam, et declarari quod ex quo Dnus Bartol.
ei non tradidit Possessionem Domorum Cantinam et
Pratorum iuxta conventa, nec ipse teneatur
ad numerationem Pretij; In qua distinctione
ut in Principio dixi, est videre in primis
cuius naturae fuerit Contractus inter eos conventus.
Contractus fuit Emptionis et Venditionis bilateralis
idest obligatorius ex Parte Dni Bartolini,
quam ex Parte D. Morosticae; Quia in tantum Dnus
Morosticha se obligat ad numerationem Pretij,
in quantum D. Bartolini ei promittit ~~[illegible]~~
evacuare facere domus, et eidem tradere
Possessionem Corporalem tam ipsarum quam [illegible]
et Pratorum divisorum in incantibus eiusdem,
et non aliter, sive [illegible] contra [illegible]
Unde cum Dnus Bartolini non fecit [illegible]
et [illegible] in sui forma, evacuare domus
nec tradidit Possessionem D. Morosticae; nec
Dnus Morosticha tenetur ei Pretium numerare.

Quod vero nec examinare fecerit, nec in possessione servatis solemnitatibus induxerit dictam monasterium, patet ex contradictionibus factis per Salitatores dictorum bonorum inventis intimatis... eis factas per dictum monasterium seu intimationi illorum non contradixissent, et dictas illas non consiliderent. Inde examinatio non videtur secuta nec possessio tradita cum illa fiat jam a vestro, quae a nemine detinetur secundum glossam... ad res in verbo in vacuam Cod. de Probat.

Visto cuius naturae fuerit, et sit contractus, est ad hoc videre quae, et qualis fuerit mens, et intentio contrahentium in ipso contractu.

Mens et intentio fuit vera endi proprietatem domorum et caeterorum bonorum in inhabitationibus concessorum et possessionem eorum vere tradendi dicto monasterio. Probatur evidentissime... Mens et intentio contrahentium et traditionis possessionis per dictam partem in dictorum tenentem in uno eorum in qua est traditio... domorum omnium, et datum est in contractum et statum in ... ut est legere ex dicto ... inde verbis omnium bonorum est concludendum quod vere fecit dicto monasterio ... et actualem possessionem maxime cum se ... obligaverit ad dictam possessionem vacuam ... tradendam domorum, quas

'ampam, et Pratem et cum ad vinginti Corvora
Lez. mane; quod Proprietatem clare demonstrat.

Mens aut. et Intentio Dni Morosticę et de alia
fuit, quam emendi Proprietatem, et Possessionem dictorum
Bonorum. quod ex eo arguit, quia in Contractu
isto Convenit et per Pactum ... obligaz D.
Bartolomei ad evacuare ... et
... Possessionem tradendam Dno Morosticę ... et
Campam et Pratem, et ... Pactum ...
Pactis, quod in Casu quo ... D. Morosticę
esset opus ... dimittere dicta Bona, Dnus
Bartolus teneretur ad restitutionem ... Habit.;

Unde ex verbis ... ex quibus
... Mens Contrah., ... 4 L.
Cert: vetat: clare ... Dnum Morosticam emisse
et emere voluisse Proprietatem et ... Bonorum
incantatorum cum ... sibi trad. ...
et ad eam tradendam obligamus Dnum Bartolum:
... et probat ... ex quantitate
Pretij ad cuius numerationem ...
D. Morosticam, quod ... fere ...
quia ad Capitale ... Dni Bartolini sit
dumtaxat Duc: 200 – ut est ... ex
qualitate et quantitate Bladorum que ...
pro dicto affictu ... Est ...
... dicere quod D. Morosticam voluerit
emere pro Duc: 500 – dictum Capitale affictus
... importet ... 200, f.

ad nullius voluntatem eum iactare velle, ut ad te videris § 1. ff. de probat: Igitur est dicendum

et necessario concludendum quod Julius Orientius

de Morosticis habuit emanare proprietatem et possessionem

dictorum bonorum cantatorum

Visis praemissis est modo videre qualis esset et

sit obligatio Domini Bartolini tam ex natura

contractus, quam ex verbis ipsius, et cum

adimpleverit obligationem ipsam ~~[illegible]~~ et

contractum ex parte sua, ita ut possit petendum

pretium a Domino Morostico:

Ex natura contractus qui est emptionis et

venditionis teneatur Dominus Bartolinus, licet non

fuisset hoc pactum contentum, et tenetur vacuam et

liberam tradere possessionem bonorum dicti Morostici

ac dominium non dicatur transactum nisi sequatur

traditio, vel actus ... possessionis ... Cod.

in Cap. de possessione ... ubi

... sed nec tradidit possessionem ~~[illegible]~~

bonorum nec ... dicto Morostico,

ergo non adimplevit contractum, ideo venit

repellendus dum agit ad pretium

Nisi accedat quod venditor ita demum teneatur ad

semper tradere emptori, ut si rem non tradat

damnetur in interesse ... in ...

... ff. de act. empti; sed ad ... Dominus

Bartolinus ... bonorum ... possideri

nec ipsas evacuare facere curat, nec in ipsam possessionem corporalem immittere Dominus Morostica ergo, nec ipsa altere potest &c.

Nec dicat Dominus Bartolinus satis ei fuisse possessionem traditam Domino Morostica per clausulam constituti in instrumento allocationis; quia respondetur quod triplex est possessio, alia est possessio civilis, alia possessio naturalis, civilis transferri potuit fictione iuris per clausulam constituti; sed naturalis et corporalis minime, quia nec Dominus Bartolinus ipsam habebat eo tempore, cum ipsas domus detinerent, et inhabitarent tertii personae, ut patet ex contradictionibus ipsorum &c. ergo si eam non habebat D. Bartolinus nec ipsam poterat transferre, cum nemo possit plus iuris in alium transferre, quam ipse habet, et nemo plus dat de re sua, et ideo ex qualitate contractus teneatur D. Bartolinus possessionem vacuam tradere D. Morostica, nec ipsam tradiderit, non potest certe agere, ut &c.

Si postea perpendentur, et examinantur circa intrinsecam rationes, quas allegat Dominus Bartolinus, certe inde resultat inimicitias eius intentionis &c.; quia cum in eo D. Morostica se obligat numerare duc. 200, et L 19939 — D. Bartolino hoc fecit, quoniam Dominus Bartolinus vice versa ...

ei —

ei promittit eadem quaemadmodum possessionem bonorum in suis incantibus comprehensorum; verba contractus sunt clara, et hic ea recitare non erit absurde

Con patto però, che d.o sig.r sia obligato che siano evacuate le case, et dato il possesso di esse come delli campi, et prati contenuti negl' incanti fatti ad instanza di d.o S. Bartolino.

Et postea et

Et in caso, che in tempo alcuno venisse trovate ragioni per le quali il capitale di esso sig.r non fusse ben fondato, et che mi convenisse per dir[...] delli beni che in tal caso d.o S.e sia obligato a rimborsarmi.

Ecce igitur quod fuit causa finalis promissionis D. Morsticae, ut scilicet domos campos et prata consequeretur; haec sola causa fuit, nec alio respectu fuit ... contractus ...

Unde cum ex parte Dni Bartolini conventione et pacta infradicta, quae sunt substantialia contractus, non fuerint impleta, optimo jure Dnus Morstica potuit et potest, quod nullo ius competat exequendi, quia eius promissio pretii fuit correspectiva ad promissionem evacuandi faciendi domos, et de possessione tradendi; itaque promissio fuit facta

scilicet alterius et ideo demptis et exclusis illis [illegible], unde est ac si nihil actum fuisset quia in concessionis [illegible] non constat [illegible] et attend[illegible] [illegible] Mati. ff de adim. legat; et [illegible] in testam. circa fin. Cod. de testam. [illegible]

Nec prodest D.no Dantoni dicere, quod deveat attendi instrum.m inter eos initum [illegible] secundum quod fuit manuscripto et facta in manuscripto convenient[illegible] quia [illegible] quod [illegible] manuscriptum tantummodo est attendendum et exequendum, quia in fine ipsiusmet instrumenti partes convenerunt, quod facta, et conditiones contentae in manuscripto exequantur et observentur [illegible] illis verbis: quae Deus opt. max. [illegible] voluit ad [illegible]

cum dictis modis, et conditionibus
et [illegible] [illegible] in chirographo [illegible]
sub die 26 Aprilis [illegible]
manu ipsius D.ni Morosice.

Unde etsi in instrum.o fuissent inserta verba conditionalia D.no Morosice qui ut ignarus [illegible] non intelligebat [illegible] clausula posita in fine ipsius instrumenti, quod scilicet facta chirographi deberent exequi, fuit derogatum [illegible] subtilitati in instrum.o insertae, et [illegible], et sic conventiones et conditiones manuscriptae in chirographo tantummodo sunt observandae [illegible] a principio fuerint [illegible] inter [illegible] [illegible] in instrum.o

Posteriora namque derogant prioribus ~~ad~~ in contractione
~~mea in utraque~~ vel mutatione, secundum tex. in c. 2
de ... [illegible] ... in L. ... § et eius ...
... accept. ... et ... quibus modis ...
obligat. ... aut dicta

§ Et utraque ... [illegible] ... evacuari
fecisse domos et colonos ... et ...
... ostendat, quia evacuatio ... fuit
... in litteris, et
... facta et quadam ... colonis
Coloni ut asserit in d.a relatione ... tamen
... et domos ... habitant,
... et ... pro ... debent,
... nec domus evacuari ... possunt, ...
... [illegible] ...
et ... [illegible] ... vel ... aut
nullus de elect. in 6. ; Ulterius ad ...
... prout erat conventum in contractu
... [illegible] ... fuit
satis colonos ... ; sed et ...
... erant ... , et ...
... , ut dominus constituerat, prout ...
... [illegible] ...
ut ... [illegible] ...
... ; quia evacuatio ... [illegible] ...
... , et ... ratione ...

ut

ut solet ore forma; cui Commutera ...
excedendo in ... quod dicebat ... cap.
... e nel. signif.; Verum Conventio, quod
Dno Ludovico ... Bartolo dimis,
et in ea a Dno Bartolo manutenear, ...
continetur ... in ... tuntus ... Ludovice ...
et ... (uius ...) ... a
Venditorem ergo ... ...
et in ... obtinendo ... interessa ... eiusdem
quibuscumque ... Ludovicum damnaret ad ...
... non ... ad ... Contract
... ... venditorem ... ego Dnm ...
ad ... audiendum.

Et modo ulterius in ... quod ...
ex parte Conventione ...
... Convenerit ... regul. iur.;

Modo aut Dnus Bartolomeus in Contractu ...
... ... Dno Ludovico ...
... ei venditorem. Unde ... ego exequi,
quam ... ab initio ... contractu.
Sunt Voluntarii ex ... facto necessarii ...
... Cod. de act. et oblig.

Nec dicat Dnus Bartolomeus, quod ...
... cedendi Dno Ludovico ... ...
... ... quia ...
... huiusmodi eius obligationem
... ... quod ... Contractum

a' verbis ipsius Contractus [illegible] [illegible] [illegible] idem
[illegible] [illegible] [illegible] [illegible] [illegible] contractus
[illegible] pro [illegible] [illegible] etiam [illegible], quod
quando sunt verba clara in Contractibus [illegible]=
[illegible] et [illegible] [illegible] [illegible] [illegible]
debent: sed Verba Contractus nostri sunt clara

[illegible] [illegible] [illegible] [illegible] [illegible] obligato
[illegible] [illegible] [illegible] [illegible] et dato
il Possesso di esse, come delli campi et
[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] contractus [illegible] loquatur, [illegible] [illegible]
Bartolino [illegible] [illegible] [illegible] [illegible] tradi [illegible]
[illegible] [illegible] Possessione

[illegible] secundo, [illegible] [illegible] contractus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] videlicet [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tamen
[illegible] [illegible] [illegible], quod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
enim sunt [illegible] [illegible] Bartolini [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible], et
[illegible] [illegible] [illegible] [illegible] [illegible] ex
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in Processu [illegible] [illegible], in quo [illegible] legis
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible] Proprietate Bonorum
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] et Patronus [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible]
[illegible] [illegible], sed et [illegible] [illegible],

Si igitur Iura Dni Bartolini in ipsis Bonis
erant Proprietatis et Possessionis, tangebat ipsum
in [illegible] mortalitas [illegible] [illegible]

Et [illegible] ex adverso respondetur quod [illegible] contractus
dicunt, quod D. Bartolinus cedit omnia iura
[illegible], inde facta cessione nil restat aliud
ab eo peti; Respondetur quod illa [illegible] fractus

[illegible] ogni qual volta, che da [illegible]
[illegible] tutte le sue ragioni.

intelligantur [illegible] verba potentiora eiusdem contractus,
quae potentiori loco dicunt

Se siano [illegible] le case, et
dar il potere di [illegible]

Et dicta [illegible]

[illegible] saranno tutte le sue ragioni

Versantur circa [illegible] quod erat
[illegible] Dnus Bartolinus a Compositionibus
[illegible], quorum [illegible] [illegible]
di morte [illegible] [illegible] [illegible]
intelligi [illegible] [illegible]
CEDERE nihil aliud [illegible]
[illegible] in aliud transferre [illegible] cod. de
act. et oblig.; inde [illegible]
[illegible] Dnus Bartolinus [illegible]
[illegible] [illegible]
Mortis [illegible]

[illegible]

pend restituere, posset dnus Bartolini, quod dnium
et proprietatem istius Mansi non posset habere
dnus Mauritius quia est de bonis Ill.ma [illegible]
Pistoriensis:
Nec convenire videretur quod venditio est ipso
[illegible] [illegible] [illegible] Cuiusmodi est de bonis
Pistoriensis non aut de bonis propriis dni Bartolini
[illegible] [illegible] constat ex [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]; sed non
Ex [illegible] dispositio dni Bartolini [illegible]
non [illegible], quod [illegible] posset habere [illegible]
et [illegible] ipse quod Mansus erat de bonis
Pistoriensis non debeat eum vendere aut [illegible]
et si eum vendidit [illegible] [illegible] venditio
est nulla nec [illegible] [illegible] [illegible] dnus Mauritius
[illegible] dnus Bartolinus non posset [illegible] [illegible]
[illegible] [illegible] [illegible] devenit [illegible]
[illegible] dnus Mauritius [illegible] [illegible] [illegible]
[illegible] dni Bartolini non autem de bonis
[illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] contractus [illegible] [illegible]
Praetensio dni Bartolini [illegible] [illegible]
[illegible], quod dnus Mauritius teneatur [illegible]
[illegible] et [illegible] eo [illegible] [illegible]
[illegible] litigandi cum illis [illegible] [illegible]
[illegible], quod absurdum non erit [illegible]
[illegible] dno [illegible], qui [illegible] creditores
erant —

quam est Ill.mis Procuratoria conservari et in
Iustitia sublevari:

Reliquum est videre; Unde nonnulli sententia
R.mi D. Vicarij Flaminei; et an ille R.mus Vicarius
fuerit iudex integer, nec ne; sententia
evenit ex eius proprio intellectu; Unde non est
mirum si fuerit dicta, et facta contra Ill.mam
Procuratoriam; sed debet excusari Ill.mus Vicarius;
At quid enim non mortalia pectora cogit
auri sacra fames?" Quod autem fuerit iudex
interessatus R.mus Flaminius, probatur clare ex
relatione Cavalarij, qui ivit ad recipiendum habita=
tores e domibus vacantibus pro D.no Proctore;
asseruit enim quod et ipse R.mus Vicarius tenet,
et possidet [illegible] eius domibus [illegible]
[illegible] vacantibus. Unde non est mirum
[illegible] quod Ill.mi Procuratoria debeat [illegible]
[illegible] D.no Ba[illegible] [illegible] eo quod D. Bar[illegible]
[illegible] radere [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Quod [illegible] D. Barto[illegible] [illegible] [illegible]
[illegible] radere [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] et [illegible]
[illegible] [illegible] videt relaxare; Unde
[illegible] se liberandi a [illegible] relaxatione
[illegible] [illegible] [illegible] [illegible]

dni Bartolini ... quia est rationabilis
Ventris dicti q[uonda]m ... Et erit pro Verissima
elicita ab Ill.mo et Ex.mo dno Vico Ill.mo, qui
liberavit d. Moniales a Praeiudicio dni Bartolini
Memorabili; cum enim modo, et tali sacrosancto
Iudicio Vincentinis Contendentibus non deveniat:
dnus. Bartolinus scilicet habebit eius iura non
nianta... (... quod etiam ...
vestro Iudicio ... Persitalium), et ... Bartolinus
non erit obligatus ad ~~....~~ ... Pratij
pro emendis litibus et Contentionibus contra
Possessores Bonorum ... .

Pro Fundamento ... et ... dum ... allegatum
... quod ad huiusmodi ... manu...
... dni Bartolini ... quo ad ...
dnum de ... Ill.me ... ... sunt
... , non ... ... ab ... Particulari
... Ill.m, et ... dni Patris alii
equites, quod initio Ill.mi ... Praedecessoris
eius ~~sunt bona~~ ... ...
vendere ... et ... in ... ...
quod ... ... ; et
maxima diminutione ... ... ;
in absentia fuit separatum ... ...
... quo ... ... huiusmodi

Alienationes bonorum absque Apostolica licentia. Neque obstat
quod hic agitur de Venditione Incrementorum
Dominii existentis in dictis Bonis, et ideo
quod non requiratur licentia Apostolica, quia
respondetur quod etiam alienationes Dominii utilis
sunt eiusdem naturae cum directi, unde ipsum
non venit vendendum, et ratio generalis rerum
Ecclesiasticarum quo prohibentur alienationes absque licentia
est ne [illegible] penes quos Bona Ecclesiastica
resplendent, et a quibus non licet debeat prohiberi
eorum [illegible] iure. Unde cum etiam hac
de causa [illegible] Venditio [illegible] solum
utilis Dominii Monasterii non debet, aut potest
[illegible] numerationem [illegible]
[illegible] mandato [illegible]
[illegible] tanquam iniusta, et [illegible] inte-
[illegible]
[illegible] dominium utile, e-
gerere ex Dominium [illegible] Bona [illegible]
quod possidentes Bona Monasterii possint ipsa
ad libitum suum [illegible] absque licentia et
[illegible] ad [illegible]
[illegible] latinetio-
nem.
Nec etiam [illegible] Omnis [illegible]
in contractu [illegible] ad Monasterium [illegible]
obliga manutenere [illegible] Bona in

eius [illegible] [illegible] et [illegible] [illegible]
eis [illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] nec [illegible] [illegible] [illegible]
Bartol.[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].

In cuius fidem [illegible] ego
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]

[illegible] instrum.[illegible] celebrand[illegible] inter [illegible]
Bartol.[illegible], et [illegible] fuit [illegible]
[illegible], sed ut [illegible] contra [illegible]
tantummodo, ut D.[illegible] [illegible] reduceret in
[illegible] [illegible] [illegible] [illegible] [illegible]
in principio dicti instrumenti. [illegible] ex eo
[illegible] et debebant solummodo [illegible]
[illegible] [illegible], et [illegible] [illegible]

... certe, et stipulate, sed aut alium ...
annorum, et si quid fuit additum ...
in manifesto debet haberi pro non adiecto
et intelligi additum ...
... imo contra Partium intentionem, et
... Dni Morosini, qui numquam ...
... contenta ... apparet
contenta in supradicto Instrumento, omnia patent in fine ...
... nec perinde
debet attingi ad alia quam ad conventa in
eo ...
... valuerunt, et ...
... nec alio modo
Nec ... ultimo loco ... a Dno Conte ...
aliquid obstat, cum non constet, imo ...
... a Dno Morosini, sed et
quidquid concludat, seu contineat ad res de quo
modo agitur, fuit nulla data ante celebrationem
instrumenti ... inter Partes, ...
in instrumento appositas, et conventas ... et
resolutis.
... clausula constituti ... instrumento
... quae ex.mus Milliana facit magnum festum
obstare ... Dni Morosini, eo quia ...
fuerit, et intelligi debeat translata ...
in Dnu Morosini ... non teneatur ...
ad aliam traditionem Possessionis: quia ...

vera loquentia, et [illegible] [illegible] [illegible]
transferatur Possessio, [illegible] [illegible] in [illegible] [illegible]
ad alias traditiones, loquuntur, et intelligi debent
de traditione [illegible] [illegible] [illegible] de traditione
Facti [illegible] de Actuali, et Reali Possessione
[illegible] [illegible] [illegible] teneri [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ita distinguunt [illegible]
[illegible] [illegible] [illegible] Bald. [illegible], et Paul. de Castr.
in [illegible] [illegible] emptione ff de Pact. ad id quod [illegible]
[illegible] [illegible] [illegible] ex Vendito ff de act. empt.
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ex: qui [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] 25 [illegible] [illegible] [illegible] [illegible] [illegible]
lib. 2 [illegible] qui [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quas [illegible] [illegible] [illegible] [illegible]
28 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
tandem Fragnell. in suo Tract. de [illegible] Contr.
Part. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] teneatur de traditione
Facti [illegible] [illegible] [illegible] [illegible] [illegible]
Possessionis, [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible] tradere [illegible] [illegible] [illegible] [illegible]
[illegible]

Allegationes pro Com.ti Nerius in
Cā Parmatini

Cotumi

Die 26 junii 1636
[illegible] Com.ti Neinis [illegible] Vic.

Subiecta materia [illegible] sumus [illegible]
[illegible]
ad [illegible]
in memoriā [illegible] in [illegible]; [illegible]
articula [illegible] communis [illegible] sub die 15
[illegible]

Hec [illegible]
[illegible]
[illegible]
omittam.

[illegible]
[illegible] a' [illegible] cuiusdam [illegible]
[illegible]
[illegible] communi [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] communi [illegible]
[illegible]
[illegible]

Idem quoniam [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Hec [illegible]
[illegible]
[illegible]

Communitatibus [illegible] in [illegible] cuius [illegible]
[illegible]mus modo [illegible] huiusmodi [illegible]
[illegible] semel [illegible] salvo
[illegible]
[illegible]

Pro invaliditate cuius [illegible] considero quod
[illegible]emus [illegible] ad [illegible]
[illegible] Marina [illegible]
Communi[illegible] [illegible] uti Communali [illegible]
[illegible] et [illegible] in [illegible]
[illegible] directi [illegible]
[illegible] et [illegible]
quoniam [illegible] uti Communali [illegible] non [illegible]
[illegible] in [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible] tractatur de
bono Communali [illegible]
[illegible]
[illegible] non [illegible] cum titulo directo malieni [illegible]
in nemo[illegible] [illegible]
[illegible]
[illegible] unde Communi[illegible]
[illegible] ad [illegible]

[illegible]

sententiam adnota eius petitionis, cum alios [illegible] nil [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in aliquo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] modo [illegible] ad [illegible] in ea [illegible] [illegible] et [illegible] [illegible] [illegible]: [illegible] [illegible] [illegible] obtenta ab Ill.mis [illegible] [illegible] [illegible] anno 1608 [illegible] per [illegible] [illegible] [illegible] communis [illegible]; in qua communia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] modo in [illegible] [illegible]: quod [illegible] [illegible] [illegible] [illegible] [illegible] in ea [illegible] [illegible] enim quod nulla [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] sed [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] infra finea circumscripta [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] ac in [illegible] [illegible] [illegible]:
Nulli dubium est, quod huiusmodi [illegible] est
[illegible] in [illegible] Sauorgnani, uti et communi[illegible]
[illegible] [illegible] ipsum [illegible] in eius [illegible]
[illegible] in [illegible] fol. 5t. [illegible] etiam negari
potest, quod [illegible] [illegible] Sauorgnani [illegible]
iacet infra alia [illegible] [illegible] ad ipsa
[illegible] Sauorgnani ad [illegible] [illegible] [illegible]
Ex.mo D. [illegible] [illegible] [illegible] [illegible], fuit a me [illegible]
sum: [illegible] Communalia [illegible] [illegible] et [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
uniuersitatibus in [illegible] [illegible], a [illegible]
se [illegible] usque ad [illegible] [illegible]
quarum [illegible] [illegible] [illegible] [illegible]
Sauorgnani [illegible] [illegible]: Ex.mo D.no meo d.o
[illegible], cum [illegible] Sauorgnani [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]; [illegible] cum [illegible] [illegible]
in [illegible] Sauorgnani [illegible] [illegible]
[illegible] Vniuersitates [illegible] [illegible] [illegible] concludi
[illegible] in [illegible] [illegible] [illegible] cadit
[illegible] ad [illegible] Sauorgnani [illegible]:
Verum [illegible] [illegible], ad [illegible] [illegible] modo
[illegible], ut [illegible] considerari, [illegible]
[illegible] [illegible] [illegible], sed etiam [illegible]
[illegible] [illegible] in [illegible] [illegible]
probauit.

probauit, dum firmauit [illegible] eas nudam
possidere esse [illegible] Vinis, [illegible] finea priui-
legij: quam [illegible] Vinis: [illegible] circum-
stantia eiusdem [illegible] pascua communia [illegible]
Vinis: [illegible] ab [illegible]
[illegible] et ultra [illegible] in possessione [illegible]
dius animalia in syluis, et nemoribus [illegible]
sub eius [illegible] eandemque [illegible] possessionem par-
ticularem in nemora nominum [illegible] pascuandi
in nemore modo [illegible].

Sexta altiuscia [illegible] concludentia, dum
alias [illegible] communia [illegible] fuerat
quoque [illegible] decretas [illegible]
[illegible] tamen, [illegible]
fuit improbatum [illegible] allegationes
concludentis: Ex quibus [illegible]
Communem [illegible] cognouisse, quodque
[illegible] altiuscias, et [illegible]
dius [illegible]. Ea [illegible]
[illegible]
ut in processu fol. 26. et
[illegible] in [illegible]
remanent.

[illegible] possessionem [illegible]
est in primis [illegible]; si enim [illegible] probata
et [illegible] formaliter
[illegible] propriis [illegible]

Quali, quod non sit dolosum, nec presumi
debet, cum longe distet ab eius territorio, et adhuc
particulares [illegible] Himis, et Universitas illius [illegible]
longeva presumptione ibi ius pascendi [illegible] quod
pariter, nec propterea modo aliquo preiudicio
exclusivo possit secundum Capob. lib. 2. [illegible]
[illegible] Cap. [illegible] num. [illegible] et
Caravit. [illegible] cap. [illegible]

Ad probandam [illegible] huiusmodi [illegible]
[illegible] omnibus [illegible]
[illegible] pol. [illegible]
deponunt Universitatem Himis, et [illegible] illius
[illegible] in possessione a memoria hominum [illegible]
[illegible] pascendi in omnibus [illegible]
[illegible] ubi in [illegible]
in nemore controverso: Et [illegible]
[illegible] necessarium est [illegible]
[illegible] Conradi
[illegible] de [illegible]
[illegible] praecipue [illegible]

[illegible] Commendaria [illegible]
è nella [illegible] di Himis, [illegible]
[illegible] in Serral.

Et interrogatus de [illegible] dixit

Io lo so, perche sono anni [illegible] in circa,
che io [illegible] nella Villa di Himis
con [illegible] Conradi [illegible] et

andavo

andavo a pascolar con li mio animali nelli detti beni communali et anco io vidivo assai altri della Villa di Pimis, ne mai so, che mi havessino in questo tempo prohibito di pascolar nei detti beni communali, ne che quelli di Cucais suspetto volessero mi vedevano.

Et super tertio q. A. adiit

Et di mio raccordo per il tempo ascritto ho visto, che quelli di Pimis sono stati in possesso di pascolar nelli beni communali di qua del fiume della Torre, et anco nelli altri suoi sottoposti alla Villa di Pimis.

Assumatur [illegible] annorum 50 qui super [illegible] ..

Io son stato in mia gioventù nella Villa di Pimis, con Giacomo Amat per garzone et di continuo io andavo con i suoi animali a pascolare nelli beni communali [illegible], chiamati [illegible], o [illegible] ne mai fui prohibito da quelli di Cucais ne mi fu detto cosa alcuna, et [illegible] mi vedevano, quando erano ancor loro a pascolar di là via con li loro animali.

[illegible]

[illegible] molti di [illegible] animali [illegible] a pascolar di là via, ne si [illegible] prohibito da alcuno.

Et super quarto B.

Pascolavano ove li piaceva [illegible] di Pimis, ne mai furono impediti da alcuno

li Quali, vidde i vedevano a pascolare.
in hicco eius testis, prout et primi, probatur posses=
sio continua immemorabilis, et individua dicti commu=
nis; cum qualitatibus à iure in similibus requisitis,
atque introductio, scientia, et patientia praedictorum
Quaili, prout et in depositione Marini de Cataneo
Zanis sexagenarij in ord.° 3.° fol. 75. [illegible]

Già 40. anni ravvisteva per Castel [illegible]
Beltramo Campagna à Nimis, et di continuo
andavo à [illegible] in detta Communagna, et
[illegible], et vi vedevano [illegible] Quaili, né [illegible]
mi dicevano cosa alcuna, [illegible] ancora
pascolavano di mia compagnia [illegible]

Hic Ill.mus [illegible] dignetur [illegible]
[illegible] à dicto teste, cum [illegible], et [illegible],
quod [illegible] Communis Quaili [illegible]
[illegible] nil [illegible] desiderari.

Examinetur quartus nomine Joannis Z[illegible] in ord.°
[illegible]; hic dicit.

Entro de il bosco Communale [illegible]
[illegible] pretendono haver ragione
di tagliar legne [illegible] compreso detto
[illegible] di Nimis, et [illegible], perché
quando habitavo in Nimis [illegible]
volte a pascolar in detto [illegible] con i animali
miei, et vedevo anco continuar quelli di
Nimis, [illegible] andavano [illegible] in questi [illegible]

à

a pascolarli, ne mai quelli di Guardistallo li impedevano, ò diedevano cosa alcuna.

Super 2.o respondit pro ut 16. d.

Quelli di Bibbona erano in possesso di pascolar nelli detti beni Communali di qua dal Laborre, et con animali caricavano per tutti li luoghi ... alla Pieve di Bibbona, et questo lo so, perchè ... molte volte a pascolar di là via.

Examinatur dominus ... etatis annorum 70, is respondit super quarto Capitulo fol. 78 ...

Essendo io ero Pastor ... di Bibbona io stavo con lui circa un anno, et in quel mentre, io andavo con li suoi animali quali di continuo a pascolar nelli luoghi capitolati et ... io ci andava, vedevo che anco altri Pastori di Bibbona erano alle pasture di là via.

Examinatur examinandus testis in ordine ... etatis annorum 56 ... super secundo capitulo, et videtur probata ... possesso ... Bibbona ... dixit.

... io ... che io so di questo capitolo è vero che è ... la Pieve di Bibbona et sue ... et ... da circa 14, anni ... di Bibbona per Pastor con ... altri ... con ... circa, et di continuo ... mi ...

animali a pascolar di Auia.

Super quarto articulo addit, quod Patrimoniantes

Andauano a pascer su(o) terra, per tanti questi[?] Ill(ustrissi)mi nost(ri) [illegible] alla Reu(eren)da dett(i) [illegible] alcun impedimento.

Et super unico art(icul)o 2° modalis[?] fol. 81.

Sapessimo, che questi [illegible] [illegible] [illegible] il tempo [illegible] stato [illegible] [illegible] con [illegible].

Eadem [illegible] [illegible] fol. 82. [illegible]

super [illegible] [illegible]

Sono stato [illegible] [illegible] [illegible] [illegible] [illegible] et andando a [illegible] [illegible] [illegible] [illegible] [illegible] dett(i) [illegible] a pascolar di Auia, et in altri [illegible] [illegible] [illegible] [illegible].

Super 2° [illegible] respondit.

[illegible] [illegible] [illegible], che questi [illegible] la [illegible] in possesso [illegible] [illegible] di [illegible] [illegible] [illegible] [illegible] et finalm(ente) [illegible] tutti li [illegible] possessori della [illegible].

Ab [illegible] interrogati omnes [illegible] respondent, [illegible] [illegible] [illegible] Ill(ustrissi)mi [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] sententia [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible]

et distinguntur. Quod et Commun. [illegible] cogno-
uit, et ideirco principium et probationes Immunitatis
tatis Nimis [illegible] [illegible] aium [illegible] pre-
sentauit per quas probare voluit quod Nemus voca-
[illegible] [illegible] Peschmarina, et
[illegible] est [illegible] in memoriam [illegible] quod
dum Pastores quando [illegible] ad pascendum animalia
[illegible] quoque [illegible], et multoties pignorati [illegible]
ribus Qualsi.

Quis in nos probauit per quattuor testes quorum
ex eorum dictis [illegible] [illegible] unum pri-
mus [illegible] [illegible] dicit.

[illegible] e un pezzo di terreno
che si chiama Pesch marina, et questo [illegible]
[illegible] e un'altro [illegible] si chiama Cerrai [illegible]
[illegible] si chiama Cerrai e di quelli di Nimis et di
[illegible], et [illegible] di quelli di Qualso

Et paulo post addit

Et quelli di Qualso [illegible] andauano
[illegible] che si chiama Cerrai a condur [illegible]
[illegible] di [illegible]

Et [illegible] dicit, ho veduto [illegible] [illegible] detto
[illegible] Pesch marina et [illegible] [illegible]
[illegible] di quelli di Nimis, ma mai li ho veduti mai
[illegible] pignorarli.

[illegible] abire, quod [illegible]

quibus eam decorat, quoad iurisdictionem vero
Capituli, quod immo ipsum renovat [illegible]
cum sicut particulares Capituli [illegible]
videlicet ad absumendum signa [illegible] et professio
nil firmat pro eius Communitati, prout nil quoad [illegible]
sertas cognorationis, cum deponat vidisse [illegible]
exercendum [illegible] pastoribus [illegible] non
autem unquam ad [illegible], quae exauctionis,
cum non ab [illegible] Capituli, sed a pastoribus fue-
rint perpetratae, propria auctoritate, et de facto,
non potuerunt [illegible] unquam [illegible]
tatis [illegible] [illegible] [illegible]
[illegible] spoliat.

Idem [illegible] dictum secundi testis fol. 62. [illegible]
disposuit [illegible] [illegible]

Ego non [illegible] maina et [illegible]
[illegible] nel [illegible]

Et tandem secundo [illegible] dixit, audivisse dicere
a nonnullis [illegible] quod pignora [illegible]
[illegible] de [illegible] [illegible] [illegible]
nem, et [illegible] [illegible]
[illegible] administ[illegible], [illegible] ignorari
[illegible] amplectari [illegible]
maina, [illegible]. [illegible]
articulum praesentatum in [illegible] fol. 9[illegible].
[illegible]

debeat admitti, et super eo examen committi;
cum ad illud q[illegible] Nimis primarius incedat
patrem Nemonis [illegible] una cum Nicol Marina
et Eriosotero, commorantes in Nemore Cervalici et
[illegible] illius, tendit [illegible] ad [illegible]
[illegible], quod testes iste de Riccolto ignorarunt.

Secundus super primo dicit, nunquam audivisse
notare Nemus dictum de Nicol Marina et [illegible]
[illegible] nomine Cervali, [illegible] inde [illegible]
Qualchi contribuere [illegible] separatione [illegible]
nemorum, [illegible] non evenerit, cum huiusmodi
testis [illegible] dicto primo, dum [illegible] in:
terrogatus, [illegible], respondit; quod ipse
[illegible]
Castro Qualti, unde non est mirum [illegible]
[illegible] Nemus [illegible] Marina, et [illegible]
[illegible] nomine Cervali, cum [illegible]
ab illis Qualti, a quibus [illegible] audivisset.

Interrogatus postmodum de finibus nemorum, dixit
confinia ipsa ignorare, [illegible] confinia
quomodo [illegible] illorum [illegible]

[illegible] dicit quod Pastores Qualti [illegible]
Pastores [illegible], et interrogatus respondit

[illegible] era una [illegible]
[illegible] pottonami [illegible]
[illegible] o quattro volte.

[illegible] huiusmodi qualitatis erant pastores, qui

expeditantur, ideoq; executionis mittendi quas
excutiendas delegatis contra quosdam, et fundi
ullam antelatam usui ... non obstant
quidquam, proximum, cum de alienatione ...
rationis, nec uti sunt iuridice dicatur. Propterea
nec ... tertius testis est animadvertendus, cum
potissimum ut tituli Commissionis, cuius Universitas
promiscue possidat cum Communi Qualti, ut in
talibus quantitatibus est uidere, ideoq; uniuersitati
bus tanquam de Universitate, ut infecius ...
Non etiam ... qui deponit ... de pos:
sessione particulari Qualti in ... et de
executione ... ab aliquo ...
facta, non autem de aliqua pignoratione.
Unde omnes isti testes quatuor ..., nec in ulla minima
parte firmant secundum articulum pignora:
tionum ..., quod possessio immemora:
bilis Universitatis ... nullo actu legitima
interrupta, stante decisione cum ... [illegible]
poterit turbari iuxta dictum Capitulum ... de
super citatum
Generaliter ... interrogatur testis Qualti,
... ipsorum ... [illegible]
secundus ... et tertius, cum dicant ... Cum:
... et pascua ... [illegible]

n assumi possunt [illegible] passiones cum [illegible]
uellent certo [illegible], ut est videndum [illegible]
cum quo promisimus pervenant amplissima [illegible]
passum ipsas ideo [illegible] viuis [illegible]
~~[illegible]~~ rationis [illegible] [illegible] [illegible] de [illegible]
[illegible] perueniret [illegible] in omnibus [illegible]

[illegible] ad tollendam possessionem Ville [illegible] intro=
ductai: ad [illegible] privilegium
[illegible] [illegible] [illegible] duo suffragia
Ill.mi D. superiori d. ~~[illegible]~~ [tertio] quibusdam personis [illegible]
[illegible] in aliquo [illegible] controversia, quiz
[illegible] temporis [illegible] sublatam auctorita=
tem Ill.mi D. [illegible] unius [illegible]
Communitatis in hac [illegible] dignitatis; inde [illegible]
illud [illegible] [illegible] Ill.mi [illegible]
emanauit [illegible] Ill.mo [illegible] [illegible]
[illegible] [illegible]. [illegible] a [illegible]
temporis [illegible] ducta, et ad [illegible]
eiusmodi [illegible] [illegible] dietaz. [illegible]
[illegible] [illegible] die 30 [illegible]
1604; altera autem [illegible] die 19. maij [illegible]
Privilegium [illegible] obtentum
fuit, et expeditum [illegible] die [illegible] Martii 1608
[illegible] [illegible] suffragia
[illegible] [illegible] aliqua cum [illegible]

iuris dispositioni hoc non prohib... , quod ad
hoc contingit adesse: Utriusque habetur in
dictis iure improbantur gesta, et actus Ill.mi Gub.ris
post suspensionem datam ab Ill.mo Senatu Ill.mo [illegible]
ullo eius consilio tantummodo; Extra vero etiam
in ipsis litteris [illegible] nominata [illegible] in hoc
iudicio [illegible]data, ut ex ea videri posset, an praece-
dent tempus ministrandi Communalium bonorum, [illegible]
prout [illegible] non requireret; si enim requisisset utique
eam praesentassent; igitur [illegible] tempore praedicta
potissimum, cum [illegible] videatur quicquid [illegible]
praemissis definitionibus peractum, multa [illegible] suffragia;
et [illegible] et [illegible] quamplurimis [illegible]
tamen quod [illegible] cognita causa tollantur,
vel executioni minime demandantur.

Quapropter [illegible] diuinatricem exceptione
inualiditatis [illegible], inea partium in hoc
[illegible] utriusque [illegible] mutuas [illegible]
[illegible]ras, et ad [illegible] [illegible] debent
comparari, ut inde dignosci possit, quod [illegible]
Communium [illegible] [illegible] et
pascuandi:

Cum [illegible] possessionem, licet [illegible]
[illegible], et ipsius possessionis [illegible] quidam
Communitas [illegible] edidit titulum, in quo ut [illegible]

considerationis

considerari nimius controversum, et non concedit
uti bonum communale sed in eo redditur, et annotatur
quia asseritur bonorum possessionem dictae Universitati.
Unde cum inventarium ista non referat, ut ante premi
ssi ad assertam illam donationem, nec ea dicit prae
stata, corruit quoque assertio ipsa; cum fundamento
sit destituta.

2 contra autem Communis Arimini praesentavit pariter
dictum inventarium bonorum, et ad illum parum
consistorium in quo dicit comprehendi bonum con
troversum in ea parte, in qua ad signum B. expri
mitur, quod parietas dictae Universitati pertinendo
se extendit usque ad tabulam Lavorgnani: ibi limes
subiectus, a [illegible] cuius tabulae, ut Excellentissimus
D. Vestra videt, [illegible] fuit in controversia iacet bonum
de quo modo agitur, positum intra alia Caementa,
in quibus omnibus Communis Arimini pariat, et
quod in eo primo meridiei sequatur proximum de
tabula Lavorgnani, distenditur clare ex corpore
statim sequenti: quod itaque unum Currus, pariter quod
flumen [illegible] recordabitur, sicut
Vella Lavorgnani versus meridiem.

Et hic quo rogo Excellentissimam D. mentem ad considerandum,
et animadvertendum quod dum coram Ill.mi
super bonis communalibus traductur cum facta

Communalium Uti.s Rimini, et aliarum eiusdem subiec-
tarum, ut distinguuntur d.o, et uterà nominibus
deputatis ab omnibus Illis Utis, et presertim a
Misanorgnani, qui uti Urbini uiridantur extrinsecus
seu confinia meridiei. unde non est ueri similitu-
dine, dio aliqua mendaci attestatione, q. terraeb.
bona qualiter describuntur, illorum confinia tam
tummodo ab hominibus illius Urbis traduntur,
quibus in Tertiorum praeiudicium nulla est
adhibenda fides . . . .
Unde, cum Primus a comissum in inventario quatri
a particularibus illius Urbis inserantur non sub
nomine communitatis eiusdem, ac quod Mechineri de
fauo, sed absque ministratione tantummodo et ius
eorum particularium Urbis Utis, non ergo diuà
contra dio titulo illius Urbis quod semper
comunitò pariter continetur intra confinia municipalium
Utis Rimini, debet uera sententia dici granarium
inventarium, in rot sufficienti uerisimiliter, post prius
cum scitur dius eiusdem ostendendi differentiam
praedi attestationis nil deducitur.
Sed dato non esse confessio una ueritas in contrarium
habeat locum, quod titulum Communis quatri
animaduerti oportet diebus termino probatorio
admitti (quod tam prius non debet) non proportio
adhuc.

adhuc eiusdem prout a mare stare possent, et Univer:
sitas Terrae ab immemorabili eius possessione [illegible];
et inferiorum iurisdictionis [illegible].

Quia tamen possessio quasi legitima ex titulo [illegible]
ut (quod non admittitur) tamen ex iniusta [illegible]
Universitati Terrae attribui posset, eo minus non [illegible]
[illegible] eandem [illegible]. Quomodo respondetur
ubi adhuc ambo iura [illegible] [illegible], [illegible]
[illegible] possessionis [illegible]. Communi:
tamque quasi, ut habetur ex eius [illegible]
se proprietarium dicti Nemoris asserit. Univer:
sitas autem Terrae usufructuariam dumtaxat
se vocat. Unde [illegible] in hac causa titulos
[illegible] adhuc [illegible], quoad tamen
[illegible] confirmari [illegible] ad proprietatem
ac [illegible] ad [illegible] [illegible]
[illegible], [illegible] communi quasi [illegible]
quoad proprietatem a fructuario, et pro Univer:
sitate Terrae [illegible] a communi proprietario [illegible]
quoad [illegible] secundum [illegible]
[illegible] tertio n. 216. [illegible]
in § [illegible] n. 26, et 28; [illegible] dicto [illegible], et
[illegible] in cap. licet causam, n. 53. [illegible].

Et haec sint dicta quoad titulum inde [illegible].

transeamus modo faciam ad possessionem immemorabilem pacificam dictis allegatam, et ad probationes pro ea firmanda factas, sicut, et ad obiecta contra ipsam opposita.

Probavit communiter dictis [illegible] maiores omni exceptione, quibusque nulla obiectio fuit facta: de memoria hominum [illegible] et [illegible] [illegible], cuius in contrarium memoria non extat, [illegible] ad quemplures eius Universitatis [illegible] [illegible] [illegible] continuatis temporibus cum eorum animalibus in nemore [illegible] [illegible] [illegible] [illegible] et patientibus hominibus [illegible] [illegible] scientia et patientia [illegible] [illegible] [illegible] [illegible] iusta [illegible] immemorabilis temporis cursu [illegible] in [illegible] [illegible] [illegible] [illegible] Universitatis pro ea [illegible] eidemque [illegible] Universitatem

hoc scripsisse dici debet, sicut non [illegible]
[illegible] latitudinem immunitatis [illegible]
[illegible] [illegible] quia quodammodo
[illegible] [illegible] immunitatis [illegible] ac [illegible]
[illegible], [illegible]. [illegible] quae [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible].

Commune autem [illegible] in [illegible] nullam [illegible]
[illegible] habere [illegible] [illegible] [illegible]
tantummodo [illegible] duos, vel [illegible] [illegible] multis [illegible]
[illegible] [illegible] [illegible] [illegible] venit ad [illegible]
[illegible] positionem immunitatis [illegible]: [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] probabilis
quia [illegible] primus, tertius et quartus [illegible] [illegible]
[illegible] [illegible] tertius, [illegible] [illegible] habeat [illegible]
Communi [illegible]; [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] [illegible] et probationes [illegible]
[illegible] et [illegible]; [illegible] [illegible]
[illegible] [illegible] immunitatis [illegible] introductis [illegible]
[illegible], qui omnes [illegible] idem [illegible] 80: 150.
et ultra [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] annos [illegible] [illegible] mala [illegible]
ad [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], non etiam aliquam [illegible]
[illegible] [illegible]; [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

n.° 56. vers. [illegible] [illegible] [illegible] [illegible] cum huius [illegible]
ratio [illegible] [illegible] [illegible], quod [illegible] [illegible]
sunt, probationes maiori numero [illegible] [illegible]
ita [illegible] et debilitant minus [illegible]
minus [illegible] [illegible], iuxta [illegible] in l. ob carmen §.
ult. ff. ad [illegible], nobilissimum, [illegible] [illegible]
alicui ab omni [illegible] [illegible] [illegible] videatur eruditi:
simiorumque [illegible], [illegible] Particulares [illegible] ius
privativum pascendi in nemore [illegible] [illegible]
[illegible], utique dum ad pascendum animalia Particularium
[illegible] [illegible] [illegible], ipsos ignorantes animalia abduxi:
sent, et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], non [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]
aliquem ignorantiae, [illegible] [illegible] [illegible] [illegible] aliter
[illegible] ~~[illegible]~~ [illegible]

Considerata Universitatis [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible],
non [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible]
non [illegible], non etiam [illegible] [illegible] [illegible] [illegible]
Communis [illegible] [illegible] pascendi [illegible] [illegible],
aut aliis [illegible] in nemore [illegible]: Unde
[illegible] [illegible] possessione Communis [illegible] [illegible]
a particularibus [illegible] Communi [illegible] [illegible] [illegible]
manutenti [illegible] [illegible] in ea, [illegible] [illegible] et [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

in dicto nemore vinnessit sive [illegible] di Gimaro in [illegible]
§ 3 ff. quod cuiusq. universitatis, et [illegible] in [illegible]
ea d. [illegible] in [illegible] et ius generalis et in
l. 2a § quis. hb. ordo consuetudo. [illegible] primum adte
usum eo[rum] [illegible] nec d. aliquo titulo, nec [illegible]
[illegible] contra in loco proposito.

Et deus auctor, quod ad [illegible] nemoris [illegible] in:
mouentur [illegible] Universitas. [illegible]. n. quod et
[illegible] communia [illegible] in [illegible]
[illegible] et aliar. [illegible] possint hoc [illegible]
[illegible] et [illegible], hic n. Universitas, [illegible]
[illegible] omnino [illegible] parsimonia
existentium in [illegible] et [illegible]
[illegible] destrueretur, [illegible]
inhabitabilis [illegible], quod in [illegible] noverit
permissum.

Assistit [illegible] Universitati [illegible] in [illegible]
Communi [illegible] quod Communia
habeant [illegible] ad [illegible]
[illegible] etiam [illegible]
[illegible] in [illegible]
l. 38. de acquir. [illegible] quod [illegible]
[illegible] communalibus [illegible], civitatis
in [illegible] 120. [illegible] demandari
[illegible].

Et ut Excell.mus D. V. videat [illegible]
[illegible]
[illegible] quodam [illegible]
[illegible] mercatorum
[illegible]

Carcinulum [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] 57 [illegible] et [illegible] ex ec[illegible] [illegible]
Universitas [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] [illegible] nominis [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] Excell[illegible] [illegible] [illegible]
[illegible] [illegible] pertin[illegible] [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] 130 [illegible] potest [illegible], et [illegible]
[illegible] [illegible], et quae [illegible] [illegible] Universitas
[illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] circa medicum [illegible] [illegible] [illegible] [illegible];
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible];
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible], ut [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible].
[illegible] [illegible] [illegible] Universitas [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible] nulla
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] (in [illegible] [illegible] [illegible]. Villae [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

maximis

maximis [illegible] de [illegible] [illegible]
ibus ut [illegible] [illegible], aliaq. [illegible] [illegible]
[illegible] historiae una in eius [illegible]
[illegible] animo [illegible] de eius commendatae iustitiae.

De [illegible] [illegible] non [illegible] ipsius [illegible]
[illegible] et de [illegible] praemissa [illegible]
[illegible] [illegible].

Omnia praemissa sunt dicta ad [illegible] [illegible]
[illegible] causam [illegible] [illegible] ut in hoc
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible], cuius [illegible] [illegible], [illegible]
[illegible].

Quod [illegible] [illegible] [illegible]
eius [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] omnibus [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible].

[illegible] [illegible] in [illegible] [illegible]
[illegible] in [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
et in [illegible] [illegible] probationi [illegible]
[illegible] [illegible] [illegible] [illegible]
Excell. [illegible] [illegible], [illegible]
et [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible].

[illegible] [illegible] [illegible], quod [illegible] [illegible]

non deberet admitti quia [illegible]

[illegible]

[illegible] modo [illegible]

Quia [illegible] part[illegible]

[illegible] a communi [illegible]

[illegible] non [illegible]

[illegible]

Non [illegible] in primis [illegible]

[illegible] modo [illegible]

[illegible] admittenda [illegible] insimul

in [illegible] quinam [illegible] in qua

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] concedat

quod [illegible]

[illegible]

sunt [illegible]

admitteretur [illegible]

[illegible]

[illegible] considerata [illegible]

[illegible]

[illegible]

[illegible]

dubitant [illegible]

[illegible]

Iudex [illegible] [illegible] [illegible] [illegible], [illegible]
mus, [illegible] [illegible] [illegible] 162 [illegible] in [illegible]
[illegible] et [illegible] [illegible] [illegible] et [illegible]
ad causam [illegible] admittenda [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]
quo [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible]
[illegible] 517 [illegible] [illegible] [illegible] [illegible]
ut [illegible] [illegible] [illegible] ad causam, quia [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] illud [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]; et [illegible] [illegible] [illegible] [illegible] [illegible]
omnibus [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

[illegible] ex [illegible] [illegible] [illegible] [illegible] maximo [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], quia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]

spectare uni hac in parti causa; ex parte aud.
Camerani [illegible] vix de ullo preiudicio ratiocina:
tur, quia [illegible] signorum et non [illegible]
[illegible] [illegible] Leonardi Docuit,
[illegible] [illegible] [illegible] ingrediendo [illegible],
unde [illegible] [illegible] [illegible] [illegible] [illegible]
tari debet. [illegible]

Ita [illegible] [illegible]
Ego [illegible] a [illegible]
[illegible]

...cte.
...rac:
...ìo...;
...ct,
... 13,
...ate.

[illegible]

de eodem individuo,

[illegible]
[illegible]
[illegible]
[illegible] ad morte[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] al [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
at [illegible]

[illegible] et decemind[illegible]

[illegible] continuelle aequa[illegible]

[illegible]

[illegible]

Tiedemann

[illegible]

Cor. Lozanis [illegible]

[illegible] ox, idcirco [illegible]

natura Contractus [illegible] potera[illegible]

[illegible]

[illegible] nie[illegible] n. esset

contractus innominatus do, ut des

[illegible] vocatinis [illegible] ex ille

ultimo loco fuit con[illegible]

clude ce[illegible]

[illegible]

[illegible]

ine ipse actitatus [illegible]

[illegible]

eius ultra annorum [illegible]

[illegible]

Et procedendum [illegible]

[illegible]

sine eodem [illegible] demum [illegible]

[illegible]

ergo Principi [illegible] totius annis [illegible]

[illegible]

rabunt aquae, ut [illegible] contra

[illegible]

[illegible]

Atendido por quanto el [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] eodem [illegible] ex Co[illegible]

[illegible] valida [illegible]

[illegible] qua,

[illegible] quod idem

[illegible]

condenti[illegible]

[illegible] territorio [illegible]

[illegible] eodem obseru[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ex [illegible]

[illegible]

Je feux coe buanc[illegible] in [illegible]

[illegible]

[illegible] cessanto

et sic cessat;

[illegible]

[illegible]

ndo adimplere.

[illegible] ex [illegible] colligis clare.
Contractus namque ut dixi, sive est
provocationis, et conditi[illegible] est
innominatus, ut utroque casu est ult[illegible]

[illegible]

Hec [illegible]

[illegible]

teneor.

fe clare e detta con [illegible]

[illegible] pag. 138

quid plura pro [illegible] con [illegible]

a Centro [illegible] [illegible]

[illegible]

[illegible] milla [illegible] sunt quia

[illegible]

cum condicione quod

[illegible] extitit [illegible]

conclusum [illegible]

[illegible] volumus

[illegible] dicunt cor[am] [illegible]

[illegible] non ex cor[illegible]

[illegible] concedere cor[am] [illegible] et

[illegible] callix [illegible]

[illegible]

non teneri [illegible]

[illegible]

[illegible]

[illegible]

[illegible] consenciunt [illegible] arogare

non potuit [illegible] [illegible] ex nullitas

[illegible]

[illegible] cōe conanie [illegible]

[illegible]

cum clare [illegible]

[illegible]

a Cor Conanie;

[illegible]

[illegible] Cath

[illegible] [illegible] appareat [illegible]

[illegible]

[illegible]

[illegible] auctoritas [illegible]

[illegible] [illegible] autem [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] 1610 [illegible]

ex [illegible]

[illegible] [illegible]

esse sentio ego

[illegible]

acora

relinquere de

[illegible]

[illegible] mant.d & sland. et [illegible]

[illegible]

[illegible] conversationem . et [illegible] [illegible]

caritas ; et quest[illegible] et exo[illegible] [illegible]

[illegible]

qui [illegible]

Et [illegible] in [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] Contradiction [illegible]

[illegible]

[illegible] ad ultimum [illegible]

[illegible]

[illegible]ationes Pro R^do [illegible]

[illegible] attendit [illegible] Jacobo [illegible] [illegible] cum animum exerceat, [illegible] [illegible] ad [illegible] [illegible] mercatorum [illegible] momenti ~~[illegible]~~, [illegible] [illegible], sed sine [illegible] [illegible], et [illegible] [illegible].

[illegible] permisit, non [illegible] ab aliquo [illegible] [illegible]. [illegible] sed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ sed [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] mero [illegible] et examinatum, [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible].

[illegible] ~~[illegible]~~ testium ad ~~[illegible]~~ examinatum [illegible] [illegible] [illegible] [illegible], erit [illegible], [illegible] [illegible] [illegible] [illegible] et nullo mero [illegible] [illegible] aut [illegible], mercatoris nomen adscripsi ~~[illegible]~~ sed [illegible] [illegible]; [illegible] causa [illegible] [illegible] [illegible] sed vel ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible], qui [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible].

[illegible] itaque [illegible] nulli [illegible] interrogati responderunt R^dum [illegible] Franciscum Riggem, ~~[illegible] [illegible]~~ et [illegible] [illegible].
[illegible] [illegible] et [illegible] [illegible], [illegible] [illegible] [illegible] alij dicant.

[illegible]
rumin [illegible] ~~olim~~ ~~[illegible]~~ maxime
[illegible] nonnulli
quod generaliter in [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~
[illegible] adjecerit, [illegible] ~~[illegible]~~ et [illegible]
eligeri
[illegible] etiam accidit. et [illegible]
~~[illegible]~~

[illegible] in [illegible]

[illegible] in [illegible]
[illegible]

[illegible] affirmat [illegible]

io ho quello, [illegible]
publicam.te per la vita, che [illegible]
[illegible], et [illegible]
[illegible] particolarm.te [illegible]
Et [illegible]
ne habbia [illegible]
[illegible]

Et [illegible]
[illegible] publicam.te [illegible]
[illegible]

Et magis [illegible]
[illegible]
particolari [illegible]
[illegible]

[illegible]
[illegible] et tutti i
[illegible]

Quinta,
~~[illegible]~~ uero tibbis.

Risposi è uero che questo [illegible]
questo la comedia, et ne tempo
ma però a mia guida è il petto
il principale

[illegible]

[illegible]

~~in hanc sententiam loquuntur aliqui~~ ne singulari

Vigesimus septimus

i [illegible] in mercato [illegible]
[illegible] qui [illegible], cioè ogni anno
[illegible] in [illegible] quanti.
[illegible], che [illegible]
[illegible] [illegible]

Hora che meglio mi sovviene
tutti Francesco e [illegible] furono mercanti
in questa patria. et questo [illegible]
è stata nemica [illegible], et

[illegible] il danaro, et tratta co li
mercanti.

in hanc sententiam loquuntur aliqui [illegible]
ne inquirenti [illegible] actiones attingam, [illegible], et hic
[illegible]. [illegible] satis sit hoc [illegible], et [illegible]

[illegible] mo [illegible] constitueris, ut [illegible] ubi
[illegible] adducti, [illegible] praecherent [illegible]
[illegible] et [illegible]
[illegible]

[illegible] inter [illegible]
[illegible] mercatorum. [illegible] mercatura [illegible]
et [illegible]

[illegible] Cum [illegible]
[illegible] manifestissima calumnia [illegible]
[illegible] contra [illegible]
[illegible], [illegible] omnino [illegible]
optimo [illegible] et [illegible]
[illegible]
[illegible] illam [illegible]
[illegible] examinatam [illegible]
[illegible] adducta, quae [illegible]
et iniquae [illegible]
[illegible] quam [illegible]
in [illegible]
[illegible] Patriarcham [illegible]
[illegible] indirectamente [illegible] in [illegible]
[illegible] quod [illegible]

[illegible]

[illegible] in [illegible] [illegible] per manu

[illegible] ratificauit [illegible] in [illegible]

[illegible] in parte [illegible] [illegible] subs [illegible]

[illegible]

[illegible], cum maneat [illegible]

[illegible]

[illegible] [illegible] non [illegible]

[illegible] ~~[illegible] [illegible] [illegible]~~ [illegible]

~~[illegible]~~ in [illegible] appellationis iud.° [illegible] [illegible]

contumax [illegible] ~~[illegible]~~ appellans, [illegible]

[illegible] secundo appell. [illegible]

[illegible]

[illegible] contumax [illegible]

quem generalis citatio [illegible] ut [illegible]

recurrire ~~[illegible]~~ legitime. ~~ergo~~ [illegible] 9 [illegible]

[illegible] ergo

[illegible] ~~[illegible]~~ adversario prossit iam [illegible]

inconvenientium. ~~[illegible]~~ [illegible]

dicta, [illegible], [illegible] tolluntur ex inspectione

actorum in quibus ~~pendenti~~ [illegible] seruantur [illegible]

[illegible] citatio, et in [illegible] ~~fuit dicta~~ adversantis

[illegible]

[illegible] inconvenientia [illegible]

[illegible] fuerit negata, [illegible] etiam negatur [illegible] [illegible] veritatem aut [illegible] in the [illegible] litigantes [illegible] non [illegible] instrumenta, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]

[illegible] actionis [illegible] [illegible] [illegible] positionem [illegible] [illegible] [illegible] facti, ✕✕ non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. ✕✕ [illegible] [illegible] [illegible] [illegible] dixit [illegible] verba formalia.

quia cavit actione [illegible] petit [illegible] modo.

[illegible] modus sub [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible], nec tollit ius ~~[illegible]~~ [illegible] [illegible] [illegible], non etiam subscriptio fuerit negata [illegible] [illegible] ~~[illegible]~~ verba [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] et in qua [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] de [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Paschalis [illegible] elapsis [illegible] septimanis

[illegible] intuitus ad quadam tali quali [illegible]

[illegible]entatione [illegible]

[illegible]

[illegible] Incarnationis [illegible] dominica

[illegible]

[illegible] delineatae ad [illegible]

[illegible] et [illegible] in [illegible] tali quali [illegible]

[illegible]

[illegible]

Aug

[illegible] assertata [illegible] ali [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ex [illegible]

[illegible] 2dam [illegible]entationem

ad Cassator, et annullata [illegible]

[illegible]

[illegible]

[illegible] ubi [illegible]

[illegible]

[illegible]

[illegible] nec [illegible]

[illegible]

[illegible]

[illegible]

Et anima [illegible]

[illegible] habuit facta

[illegible] nec [illegible]

[illegible]

[illegible] alines

si singuli de Universitate signando vel eo animo libros

postulando silvam concederent, universitas ... ...

possidere, vel petitione, nisi prohibitam ... mandato

in consilio celebrato).

Hoc facit ad excludendū dicta alii Gregr.

conclus. 1195. num. 11. fol. 355. ver. in ter.o ... Mascard.

Sententia ubi ... ... pro ... [illegible]

... Et pro ... ...

... de ... fol. 102. ubi signa

Vide signatura ... ..., et de sententia

... ... fol. 122 ... 102. ... fol. 165.

Secundo quod ... dicatur vid. ...

de ... fol. 122. num. 448. ... ...

num. 490. ubi loco signato facit pro ... ...

... ...

in prohibitione iudicis, et sic multo magis puniri debeat.

... num. 503 ... fol. 100.

Nota quod probationes factae in criminali nō relevant ... ...

1.o quia ... nomine facta sunt.

2. quia nō citata parte, ... facta sunt ... ...

1209. num. 2. ... fin. et 3.o fol. 380.

Non neconno [illegible] persone di [illegible] li turbatori
~~di [illegible]~~ [illegible] il [illegible], ~~et [illegible]~~ castigo li ~~turbatori~~
commina[illegible]
~~del destinato~~ dalle leggi a' turbatori [illegible] ~~[illegible]~~
~~Turbatori del [illegible] legitimo~~ de gl' ~~[illegible] legitimi~~ stati
dell' altrui
et vera, attuale, et legitima [illegible]

[illegible] ineanno [illegible] [illegible] pena. [illegible] dal castigo [illegible] delle leggi ~~[illegible]~~ che [illegible] gl' [illegible] legitimi
~~[illegible]~~ a turbatori di stati

Accerti [illegible] causa [illegible] [illegible] [illegible] non [illegible] interrogati super [illegible], et ideo nil probant. [illegible] [illegible] in 3.° [illegible] [illegible] 370. [illegible] [illegible] [illegible] [illegible]. 1206.

[illegible] [illegible], [illegible] [illegible], et [illegible], [illegible] [illegible] [illegible]. ab [illegible]. fol. 380. [illegible] 1207. [illegible] [illegible].

[illegible] probatione [illegible] [illegible] factum in alia causa [illegible] ibidem. [illegible]. 10. ad [illegible] [illegible] in [illegible] 1209. et 1210

[illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] 8 [illegible] [illegible], [illegible] appellatione.

[illegible] [illegible] 1192. [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] allegationem [illegible] [illegible] [illegible] [illegible] [illegible] 134 [illegible] [illegible], [illegible]
Id. 360. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] grande [illegible] ~~[illegible]~~ [illegible] manifestavano [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] [illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible]

~~[illegible]~~ [illegible]

~~[illegible]~~ fece atti di [illegible] [illegible] [illegible] [illegible]

Che mi il S.r Gioviani [illegible] [illegible]

accidentalmente [illegible]

[illegible] [illegible] dalli [illegible] [illegible] [illegible] [illegible]

~~[illegible]~~ [illegible] [illegible] tutti il stato [illegible] il [illegible]

[illegible] ~~[illegible]~~ che [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

adunque [illegible] [illegible] il [illegible]

[illegible] [illegible] il [illegible]

di sua habitatione, [illegible] [illegible] [illegible]

se ne stavano, et gli altri [illegible] [illegible]

[illegible] [illegible] dal [illegible] [illegible]

[illegible] [illegible] [illegible] anco [illegible]

[illegible] [illegible] dal [illegible] [illegible]

[illegible] il 2.do capitolo [illegible] quali [illegible]

[illegible] alla [illegible] [illegible] [illegible]

[illegible] il S.r Gioviani et [illegible] [illegible] [illegible]

[illegible] [illegible] il [illegible] grande; ma

a quella [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

... se mai ... offendere ... Come in'altri ha

... mandare ... del ... a' cogita ... ancora

... del S.r Pratistagno Co.llo ...

... il Doria ... nato, rispondo

~~[illegible]~~ ... altro ...

~~[illegible]~~, ... Ill.mo Giandom.co et obligation ...

... atione alcuna ... [illegible]

... [illegible] introduttione, et ridic... [illegible]

... mocchia ~~[illegible]~~ del S.r Pratistagno, et se le

Giovanni dell'integrità, et quelle, che ...

... gentil'huomini ... [illegible]

... Capitoli ...

... Giovanni [illegible] ... ritirare il ...

... compagno ... [illegible]

che più oltre non procedette male, come sarebbe occorso

quando a questa maniera non sarebbe ...

seguito

... et [illegible] ~~[illegible]~~

... volendo, ... che falta ... ... alla ...

... che questo ... [illegible]

... questo ... alcuno ... cosi grandi

et ... ~~[illegible]~~ ... [illegible]

... del ... ~~[illegible]~~ ...

... [illegible] ... a

~~[illegible]~~ ... del S.r Giovanni et la quiete, et

... [illegible] ... del Prine

qualità [illegible] unite [illegible] attestati, ancorche
[illegible] bastanti [illegible] maniere le Giuntioni et
[illegible] dai [illegible]

[illegible] introdotti: et però il trattar [illegible]
et instruttione [illegible] Giovani [illegible]
come faceva [illegible], con [illegible] di [illegible]
et tanti altri [illegible] li quali [illegible]
nel [illegible], che [illegible] quando [illegible] notare, [illegible]
che saranno per [illegible] operationi
del [illegible] Giovani et [illegible] prontamente [illegible]
[illegible] al mare ~~[illegible]~~ et [illegible] ~~[illegible]~~
~~[illegible]~~, et [illegible]
a [illegible] absolutione; come [illegible]
a [illegible]

[illegible]
et di [illegible]
[illegible] Giovani difendere il [illegible]
[illegible] stato [illegible] nella [illegible]
[illegible]

[illegible]

[illegible] alla [illegible]

[illegible] accordate [illegible]

[illegible] il [illegible]

[illegible] il [illegible]

et che [illegible] questo [illegible]

[illegible]

[illegible] della [illegible]

[illegible] del

[illegible]

[illegible] espeditione [illegible]

et [illegible] che quel [illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible] altri [illegible] che

[illegible] e come [illegible]

[illegible]

che [illegible] (che [illegible])

[illegible]

che [illegible] fatto armato [illegible]

et [illegible]

[illegible]

[illegible]

che [illegible], che il [illegible]

et [illegible]

[illegible] il [illegible]

come [illegible]

il [illegible]

[illegible] come [illegible]

et [illegible] attestano, [illegible]

[illegible]

[illegible]

Ill.mo et Ecc.mo S.r S.r mio [illegible]

Per [illegible] Gio: Maria [illegible] [illegible] stato acquetando la [illegible], come alcune volte le ho scritto, [illegible]
[illegible]
[illegible] procedere
[illegible] differire a mandarli [illegible]
[illegible] haverà le ribelle [illegible]
[illegible] non posso compiacere
[illegible]
[illegible] riverente le bacio le mani
[illegible]
[illegible]

[illegible]

Gio: Maria [illegible]

onde acciò d'avantaggio con

~~[illegible]~~ alli [illegible] [illegible]

~~[illegible]~~ [illegible] quelli [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]

relatione di [illegible] ~~[illegible]~~ [illegible]

~~[illegible]~~, che è [illegible] [illegible]

Prar [illegible] ~~[illegible]~~ habitante in d.ta Città [illegible]

[illegible] Pietro ~~[illegible]~~ [illegible], per [illegible] interrogati [illegible]

[illegible] [illegible] [illegible] essere [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] anno; ~~[illegible]~~ et [illegible]

[illegible] delli quali [illegible] [illegible], [illegible] Pietro al [illegible]

Giovanni [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et

[illegible] quelli [illegible] [illegible] in [illegible] [illegible] [illegible], come

[illegible] dall'[illegible] [illegible] [illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible] [illegible] del ~~[illegible]~~ [illegible] [illegible]

che quelli [illegible] [illegible] acciò [illegible] [illegible] [illegible]

mano, et particolar.te [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] anni [illegible]

[illegible] [illegible], ~~[illegible]~~ ~~[illegible]~~ [illegible]

[illegible] [illegible] [illegible], che [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] ~~[illegible]~~

[illegible] ~~[illegible]~~ ~~[illegible]~~ et così [illegible]

[illegible] relatione [illegible] [illegible] [illegible] interrogato ~~[illegible]~~

~~[illegible]~~ nè la vidde adunq.e [illegible] [illegible]

Et [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible]

[illegible] [illegible], nè [illegible] [illegible] [illegible]

[illegible] ad alcuno di loro

[illegible]

... Il Grano [illegible] ...

[illegible]

et inocenti

[illegible] commissioni che contro [illegible] ... Corte da [illegible] ...

[illegible]

... Corte [illegible] ...

... del [illegible] ...

... che cioè il [illegible]

... Cadauno [illegible] ... alli casi [illegible] ...

[illegible]

... Corte [illegible] ...

[illegible]

[illegible]

[illegible] ingenua [illegible]

[illegible]

[illegible] a udirli [illegible]

[illegible] suo [illegible]

[illegible] quelle [illegible]

[illegible] [illegible]

[illegible] et [illegible]

[illegible] d'anni [illegible]

[illegible] de [illegible]

et in consequentia, o altri saluti [illegible]

che e' provincie della Borgn[illegible]

Et che all'incontro di querelan [illegible]

gentil'huomini, uno di quali [illegible] Scalvo

di Cittimi [illegible] amari [illegible] voluntari anch

loro sentieri, [illegible] operationi di atti insolente et

contese [illegible] comparse [illegible]

[illegible]

[illegible]

[illegible]

[illegible] vengono [illegible]

vedere [illegible] impiccati [illegible]

inspirazione del [illegible] romani e delle [illegible] come [illegible]

[illegible] nelli 2[illegible] quella [illegible] [illegible]

[illegible] in fine [illegible]

[illegible] all'[illegible]

[illegible] di [illegible]

[illegible] del [illegible] che [illegible]

[illegible] dal mal [illegible]

et il [illegible]

de suoi [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] del [illegible]

[illegible]

[illegible] stabiliscano [illegible] indolenza [illegible]

[illegible] degli [illegible]

[illegible] stabiliscano [illegible]

[illegible] invincibile.

[illegible] in [illegible] ditto termine [illegible]

[illegible] distone [illegible]

[illegible] coltri [illegible]

[illegible] che anco [illegible]

[illegible] inscrivesse [illegible]

[illegible] quanto [illegible]

[illegible] uedere [illegible] il distone

col quale ~~della detta~~ di [illegible]

et [illegible] dal S.r Pratistagno [illegible] levato [illegible]

[illegible] distone

[illegible] uedere [illegible]

di terra [illegible] co altre [illegible]

[illegible] di quelle qualità [illegible]

[illegible]

[illegible] sarebbe [illegible]

che ne sarebbe ueduto [illegible]

[illegible]

[illegible] dilatione [illegible]

[illegible]

[illegible]

le [illegible] il S.r Pratistagno leuato [illegible] distone

[illegible] di mano [illegible]

[illegible] mente [illegible] quattro [illegible] intervenerà

a [illegible] et [illegible]

[illegible] in mano effettuato il S.r Prat

[illegible] terra il Distone del Comune

[illegible]

[illegible] et settimo [illegible] et io [illegible] il

[illegible] arzen [illegible] et [illegible]

~~[illegible]~~ [illegible] a [illegible] ~~[illegible]~~

ogni coi quali ducortero alla corte [illegible]

all' altro il sr. Batistagno [illegible]

[illegible] et [illegible] inviagno [illegible]

[illegible] et [illegible] d' animadversione ~~[illegible] animadversione~~ et castigo

[illegible] Testimonio [illegible] parlando bocha del [illegible]

[illegible] ad [illegible] alla sua bottega ~~[illegible]~~

[illegible] ~~[illegible]~~ [illegible] nella [illegible] Vita [illegible]

[illegible] in mano, cosi anchora [illegible] tutte [illegible]

[illegible] et [illegible] ~~[illegible]~~

[illegible] ~~[illegible]~~ [illegible] trovano questi [illegible]

~~[illegible]~~

~~[illegible]~~ [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ~~[illegible]~~

[illegible]

[illegible] stessa

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Dicunt isti fideles et dignissimi homines [illegible] eius [illegible], et
[illegible], et ~~[illegible]~~ pro Pub.^co^ mercatore [illegible], hocque publice
dici.

Primo, quia [illegible] et [illegible] ~~[illegible]~~ mercaturam tantum abest quod sit prohibita
quod immo ex [illegible] [illegible] in contrarium.

Et si diligenti oculo [illegible] [illegible] apparuit, nonnullos
dicere quod [illegible] [illegible] ~~[illegible]~~ sed tamen dicunt
similiter nec [illegible], [illegible], [illegible] [illegible], [illegible]
[illegible] et in contrarium, et isti [illegible] [illegible] faciunt

Alii vero dicunt quod [illegible] [illegible] [illegible] in foro venditiam
[illegible] domesticorum [illegible], et de [illegible] [illegible] legem

Alii vero dicunt simpliciter ut [illegible] [illegible]
[illegible] mercatori [illegible]. Et demum concludunt, ~~[illegible]~~ [illegible]
[illegible] ~~[illegible]~~ omni ~~[illegible]~~ [illegible] ratione, licitum sacerdoti
et [illegible].

[illegible] omni ~~[illegible]~~ tam unitim, quod [illegible] [illegible] nullam
[illegible] faciunt probationem, nullamque merentur illi fidem.

Et ratio evidens, nam [illegible] qui in [illegible] [illegible] ut
[illegible] ~~[illegible]~~ [illegible] hominis [illegible]
[illegible] ~~[illegible]~~ interrogatus [illegible] rationem [illegible] dicti, et rationem
scientiae, [illegible] in l. [illegible]
Et [illegible] 20. num. 7. [illegible] 3. ~~[illegible]~~ [illegible]
~~[illegible] 126 [illegible]~~ [illegible] [illegible] num. 172.

Et licet dicant ~~[illegible]~~ publice hoc dici, et publice ~~[illegible]~~ [illegible] protest.
[illegible], [illegible], nam [illegible] [illegible]

[illegible] [illegible] a quibus [illegible] sit, [illegible]
[illegible] in [illegible] apparet [illegible]. Blanc. de indiciis
num. 312. late Gramat. uot. 34. num. 14. et ~~[illegible]~~
~~[illegible]~~ [illegible] in cons. criminali [illegible] Burlatus cons. [illegible] 20
num. 30. ~~et~~

[illegible] in ~~[illegible]~~ [illegible], [illegible] testium
[illegible] ~~[illegible]~~ ad concurrant [illegible] ~~[illegible]~~ requisita
~~[illegible]~~ ergo. [illegible]

[illegible] proficto ~~[illegible]~~ Rmo. Patrone summa cum ratione leges et
[illegible] respondet, ~~[illegible]~~ ita ~~dispositas, et~~ concludere
~~[illegible]~~ cogimus.

~~[illegible]~~
iudici enim constare non potest si aliter [illegible] [illegible]
est, [illegible] testes, utrum ob [illegible], an [illegible] ~~[illegible]~~
[illegible] inualidant contra ~~[illegible]~~ delatum, seu inquisitum ~~[illegible]~~
~~[illegible]~~ ~~[illegible]~~ testificata ~~[illegible]~~ et
[illegible] personas nominavi [illegible]; ~~[illegible]~~
[illegible] quae enim [illegible], ~~[illegible]~~ oppertet [illegible]
[illegible] [illegible] ~~[illegible]~~ [illegible] [illegible], [illegible]
[illegible] in tit. de inquisit. [illegible] nunc tractemus, [illegible] ille
[illegible] [illegible]. non enim est in arbitrio testis positum
~~[illegible]~~ iudicare, an personae a [illegible] audiuit sint grauis et boni,
[illegible] vel [illegible] ut ait [illegible] in cap. cum [illegible]
[illegible] [illegible] dicit ita in [illegible] ~~[illegible]~~ [illegible]
etiam [illegible] ~~[illegible]~~ [illegible] in [illegible], [illegible] et [illegible]
[illegible] citatus dicto tractatu de [illegible] num. [illegible] 2 [illegible]

[illegible] habetur [illegible] cir. Cuiusmodi [illegible]
hominis statum [illegible] bene [illegible], et bonae famae, [illegible]
[illegible] homines [illegible] ut constat ex allegatis
[illegible] num. 108. [illegible]
[illegible] et a Nat. [illegible] 473 num. 22. [illegible]
[illegible] num. 22. prout sunt illi [illegible]
contra [illegible] Regiam [illegible] Iustitiam [illegible]
ad [illegible] [illegible], imo [illegible]
[illegible] dicendi [illegible] [illegible]
[illegible] sed [illegible] fecit [illegible]
[illegible] [illegible]
[illegible] [illegible], et [illegible]
[illegible]
[illegible] peccata, [illegible] dispensent [illegible]
[illegible] [illegible], sed [illegible]
[illegible] tanta [illegible]
[illegible] [illegible]
[illegible] optime cognoscantur; [illegible]
[illegible] iuris fundamento, [illegible]
[illegible] iuxta textum in l. idonei [illegible]
sed illi [illegible] sunt, [illegible]
[illegible]

[illegible] Praeterea [illegible], illud [illegible] in [illegible]

et [illegible] convincuntur de falso [illegible]
[illegible]

io non ho [illegible]
di [illegible], ne d'altro [illegible]
mai [illegible], ne in [illegible]
[illegible], et che [illegible].

[illegible].

[illegible] in alcun luogo.

Et [illegible] [illegible]
[illegible]
[illegible] quia [illegible], [illegible]
[illegible]
[illegible] videntur, ~~[illegible]~~ illa quae [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] et [illegible] conscientiam, [illegible] ministri,
et [illegible] inimicum [illegible] [illegible]tentur.

~~Item~~
~~[illegible]~~ contra [illegible] curatum [illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] ut [illegible], [illegible] ~~[illegible]~~ [illegible]
[illegible] ~~[illegible]~~ [illegible], quae [illegible] habent [illegible]

più accetti

[illegible] numero, et [illegible] delle deffenze

[illegible] testimonij [illegible] esaminar [illegible]

[illegible]

[illegible] che risponde [illegible]

[illegible] tutti [illegible]

[illegible] condannati dalle leggi, et [illegible]

[illegible]

[illegible]

[illegible] et qualità [illegible]

[illegible] la professione [illegible]

[illegible] di [illegible]

[illegible] di quelli loro quali

[illegible]

[illegible] secondo le forme [illegible]

[illegible]

[illegible]

et se di lui qualità si diligentem.te [illegible] in esecutione, e
[illegible] affermato dal [illegible]
[illegible] essaminato sopra il 15 capitolo di [illegible]
et [illegible]
el [illegible] riguardo al di lui fine et se era amico
o inemico dell'Ill.mo [illegible] contro il quale viene
essaminato [illegible] per invidia, che [illegible]
[illegible] il medesimo [illegible] inimicitia
[illegible] pervenuta da [illegible] causa [illegible]
a' punto [illegible] quale questi gentilhuomo
[illegible] visto [illegible]
et [illegible] alcuni [illegible] essendo [illegible] amici nelli [illegible]
[illegible] in compagnia di [illegible]
et essendo il [illegible] intrinsichissimo et
sviscerato amico, come si [illegible]
[illegible] stato [illegible]
segue, [illegible] dalle predette [illegible]
in costui [illegible] intento odio contro il [illegible]
et [illegible] anche che [illegible] di lui detto [illegible]
fine [illegible] et ad [illegible]
essercendo [illegible]
se [illegible] dalle proprie obligationi [illegible]
et scellerato, [illegible]
quisti [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] la quale [illegible] può [illegible] sotto [illegible]
[illegible] in perfetto [illegible]
ammendare; perchè in ciò viene a [illegible]
[illegible] domanda [illegible] quale
[illegible] che [illegible]
alla detta era armata [illegible] medesima arma [illegible]
[illegible] sopra il Pubb.co [illegible] di Borgo
d'Aquileia [illegible] d'accompagnare [illegible]
detto [illegible] quelli della [illegible] delli
[illegible], et [illegible] dalle [illegible]
[illegible] mentre et l'una et l'altra [illegible]
[illegible] dell [illegible]
[illegible] et [illegible]
[illegible] in quel castigo, che mentre [illegible]
[illegible]
[illegible] delli [illegible]
[illegible] le cose [illegible]
[illegible] detto [illegible]
[illegible] nel quartiere [illegible]
a [illegible]
[illegible]
[illegible] mentre la sua transgressione, et da quella
[illegible] adottare al [illegible]
[illegible] come è stato [illegible]
[illegible] detta arma nel
S. Giovanni [illegible] che [illegible]
intervenne alla detta

et in Processibus [illegible] in proprio [illegible] locato-
[illegible] attamen in [illegible] veniente inter
[illegible] omissa [illegible] ex [illegible] ex
alia occasione retractus [illegible] in [illegible]
[illegible] loquatur.
Quam [illegible] ego esse contractus et contracto cum ipsis [illegible]
[illegible]
[illegible] in ipso contractu
[illegible] mihi [illegible] compo
[illegible] annis [illegible]
[illegible] Dominus Thomas a [illegible] meus [illegible]
[illegible] ambos [illegible] 27
vel circa [illegible] pertinentiis [illegible]
[illegible]
in [illegible] octo [illegible]
[illegible] in Processu [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] assenserunt, et

... et ... certos et circumscriptos confines, ut infra;

... retracta ... mihi retrocessa ... mei retraibus ... excedit medietatem. Quapropter ... eosdem ... admittitur ... et mensura ... tandem post multa et redacta ... expedienda ... mihi ... rerogatione ordinium nominatorum in Instrumento ... etiam ... tradi ... et ... conditionis ... et in mea ... ad hoc ut ...

Fratres ... responderunt ad ... non ... mihi ius ... ipsa exceptione predicta ... in Iudicio ... non ... coram ... confinatione ... secundum ... et ... mihi tradere

uel ad restituendum pretium [illegible] pro quantitate [illegible]
non possideo.

[illegible] meo [illegible] primo [illegible] e [illegible] tertio [illegible] quo [illegible] retraheret ex pretium [illegible] in [illegible] instrumento [illegible] continebatur pretium quantitas [illegible] 6 [illegible] 4 [illegible] [illegible]

Nec [illegible] N. [illegible] [illegible] decretum [illegible] 6 [illegible] retrahere [illegible] tantum [illegible] 4 [illegible] retrahebat nihil competebat, et competit eorum pretio ducatorum [illegible] pro primo anno, retraxissem pretio ducatorum [illegible] et ultra, quod non est [illegible] concedendum.

Accedat illud quod in [illegible] scripturae continebantur quod [illegible] ago [illegible] retractum [illegible] etenim [illegible] procedit certa, et [illegible] [illegible] ratione [illegible]

At quodcunque non [illegible] deceptus, quod non esset [illegible], et [illegible]; non enim aliter erat retrahentes nihil [illegible] [illegible] erat [illegible] pretio ducatorum [illegible] pro [illegible] anno; non [illegible] tantum [illegible] et eodem et pretio mihi expresse [illegible] [illegible] exaudiri.

Retrahentes namque meus, et [illegible] in ratione Ducatorum [illegible] et [illegible] [illegible] [illegible] fuit a [illegible] [illegible] in mei [illegible] [illegible] non [illegible] [illegible]

[illegible] pro [illegible] creditorum

[illegible]

[illegible] et [illegible] certos et [illegible] [illegible] con
fines, ut [illegible];

[illegible] retracta [illegible] [illegible] [illegible] mihi
retracta [illegible] [illegible] [illegible]
mei retractus [illegible] [illegible] [illegible] men-
sura [illegible] [illegible] [illegible] 17 [illegible]
[illegible] excedit [illegible] quapropter vocatis [illegible] Iudi-
tiu[illegible] [illegible] [illegible] eosdem [illegible] [illegible] admini[illegible]
[illegible] [illegible] [illegible] in quantitate et mensura
[illegible] [illegible] [illegible]; tandem post multa et [illegible]
[illegible] exhibentes [illegible] [illegible] expedienda [illegible]
[illegible] [illegible] mihi extraiudicialiter exhibuerunt [illegible]
[illegible] [illegible] confinium nominaborum in instru-
mento [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], qui tunc temporis [illegible] [illegible],
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] tractu [illegible]
[illegible] [illegible] requirebatur a [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] possessionis et in mea [illegible]
[illegible] 1617. ad hoc, ut [illegible]
[illegible] [illegible] [illegible].
[illegible] ad relaxationem non
[illegible] mihi ius [illegible]
[illegible] [illegible] predicta, denuo
[illegible] [illegible] [illegible] non assenta
[illegible] [illegible] [illegible] [illegible] [illegible]

vel ad restituendum pretium habitum pro quantitate [illegible] quam non possideo

[illegible] prima [illegible] [illegible] eundem [illegible] emptum [illegible] extraherem et [illegible] evagare [illegible] in instrumento [illegible] [illegible] continebatur [illegible] [illegible] [illegible] Ducatorum

Nec [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] annos tandem [illegible] retraheret mihi competebat, et [illegible] eorem pretio Ducatorum [illegible] pro [illegible] retraxissem pretio Ducatorum [illegible] et ultra quod non est [illegible] [illegible]

Accedat illud quod in [illegible] [illegible] continebam quod [illegible] ego [illegible] [illegible] [illegible] [illegible] et [illegible] procedit certa, et [illegible] [illegible] [illegible] [illegible]

At quotiescumque non [illegible] [illegible] [illegible] [illegible] Delegatus [illegible] non [illegible] et [illegible] non [illegible] aliaserat retraheret [illegible] [illegible] mea [illegible] [illegible] pro [illegible] non [illegible] [illegible] [illegible] [illegible] et eadem et pretio mihi [illegible] retraxissem [illegible] [illegible] [illegible] ideo verbo exaudiri

Retraheret namque meus, et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]

Debet in mei [illegible] [illegible] [illegible] [illegible]

[illegible] non [illegible]

[illegible]

[illegible] [illegible] [illegible] mei, ubique [illegible], ut [illegible] tandem, ut dixi [illegible] [illegible], in quantum [illegible] id carere [illegible] [illegible] [illegible]

Verum [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] quod ex corui solo, et tantum

tabe [illegible] [illegible] [illegible] [illegible]

meliorem [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] non [illegible] et

[illegible] de conditione [illegible] [illegible] [illegible]

ex aliis considerabis quod non [illegible] [illegible]

Nec obstat si diceretur quod non [illegible] actionem contra [illegible]

[illegible] [illegible] [illegible] [illegible] contra [illegible] [illegible]

ut in mea intimatione per me presentata in hoc

eodem iuditio, et postmodum [illegible] [illegible]

[illegible] [illegible],

Quoniam res [illegible], quod in tantum deveni ad [illegible]

intimationem contra [illegible] fratres, in [illegible]

[illegible] parte [illegible] [illegible] a nullo [illegible] [illegible]

[illegible] [illegible] contenta [illegible] [illegible] [illegible]

[illegible], [illegible] tamen [illegible] [illegible] [illegible]

per [illegible] mihi [illegible] [illegible] contra [illegible]

[illegible] [illegible] [illegible] intimationis [illegible]

actio mihi competens [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] omnium [illegible] mihi [illegible]

[illegible]. Unde tamen [illegible] [illegible] intimare [illegible]

[illegible] quod [illegible] ex ea [illegible] [illegible]

[illegible] actionis, et intentionis.

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] in [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] misissent bona [illegible]

[illegible] meo non [illegible], [illegible] [illegible]

[illegible] [illegible] ut in primordio [illegible]

[illegible] [illegible] [illegible] [illegible] bona

[illegible] [illegible] [illegible] [illegible]

[illegible] in [illegible]

[illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]

[illegible] iure [illegible] [illegible] [illegible] meus

[illegible]

debet esse eodem ratio quo Caiselli Emerant et mihi
dedit tradi cama atq. pariola [illegible]
instrumento consentorum

Habetur quod in instrumento retrocessionis meae [illegible] transferetur
a Dni [illegible] [illegible] tenor [illegible]
conditionis

In eadem [illegible] intentum de tenere
[illegible] curienda, [illegible]
prebi [illegible] concurrenti quantitate ex natura contractus
~~[illegible]~~ Verum in contractus [illegible]
[illegible] retrocessionis effectus [illegible]
retrocessione [illegible] sunt Dni [illegible]
nentur rem [illegible] tradere et interim tenere [illegible]
[illegible]
ubi [illegible] ideo in instrumento [illegible] Dni [illegible]
[illegible] possidere [illegible]
[illegible]

Cum [illegible] obligationem [illegible]
contractu [illegible] Dni Caiselli tenebantur
mihi bona tradere, [illegible] sententia [illegible]
[illegible] instantiis [illegible]
[illegible]
mihi a [illegible] et [illegible]
[illegible]
[illegible]
inde [illegible]
[illegible]
[illegible]

(Vedlnieg a' Portsoni . Salus)

debet esse [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] instrumento [illegible]

Habetur enim in Instrumento retrovenditionis mihi
transcripto [illegible] Castelli Possessio bonorum predi
ctorum [illegible] conditionibus.

[illegible]
tenentur [illegible]
[illegible] [illegible] quantitate
ex natura contractus [illegible] [illegible]
tionis et retrocessionis ac retrovenditionis [illegible]
retrocessione [illegible]
[illegible] tradere, et [illegible] te-
[illegible] [illegible] in L. [illegible] L. de act. [illegible]
[illegible] ideo in Instrumento [illegible] Dnus Leonar[illegible]
se constituit [illegible] [illegible] trans-
ferre Possessionem bonorum [illegible]

Quas [illegible] in ordine [illegible]
contractu [illegible] contrahentes Dni Castelli tene-
[illegible] tradere [illegible]
dici [illegible]
[illegible] actas ex retrocu
[illegible]
[illegible] esse, quia carerem re, et pretio

D'instanzia delli nob.li S.ri gub.ri circa d'esser rivista la sentenza del sig.r et cab.ro il fisico perito, visto che essi pretendevano che non contradica il scritto del sig.r il foco per che, pretendano essi S.ri gub.ri contradire per forma il subito foco i m.to Ill.re et cab.ro S.r Vicario guia stanza dei il perito a fine, che sia interpretata la sentenza et seguita detta interpretazione sia riservata facolta alli me detti S.ri gub.ri o di andare detta sentenza di revelarla, ho di venire de novo dedotto avendo trovato alcun instromenti contro detta sentenza et come tali ragioni stima con ogni miglior modo del

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible] Politi[illegible] [illegible]

[illegible] piacere [illegible]

[illegible] maggior [illegible]

onde si adduce [illegible]

dal cui l'amicissimo [illegible]

[illegible] ~~[illegible]~~ tene [illegible] [illegible]

[illegible] godere [illegible]

[illegible] ~~[illegible]~~ Poic'è il [illegible]

l'arcano [illegible]

[illegible] ~~[illegible]~~ [illegible]

di ~~[illegible]~~ [illegible] che [illegible]

[illegible] ultimo la metà di [illegible]

[illegible]

[illegible] tempo in tempo

[illegible]

[illegible]

[illegible] ultime [illegible]

[illegible]

[illegible]

[illegible] negozi [illegible]

[illegible]

[illegible]

[illegible]

a [illegible] amicizia [illegible]

alle tempo [illegible]

[illegible] Promesse [illegible]

[illegible]

[illegible] sono intendere, et [illegible]

~~affettione~~ del [illegible] dal quale [illegible]

[illegible]

[illegible]

[illegible] Protettione [illegible]

[illegible] e [illegible]

alle [illegible] Giovanni [illegible]

[illegible]

alla [illegible]

degni [illegible] che a quello [illegible] sia tenuto

~~[illegible] e tenuto [illegible]~~ degni [illegible]

della [illegible]

di quella [illegible]

[illegible] alla [illegible]

[illegible] et [illegible]

[illegible]

Somma Prudenza [illegible]

Et [illegible] la sua ~~[illegible]~~ Prudenza [illegible]

alla ~~[illegible]~~ giustitia [illegible]

[illegible] da [illegible]

[illegible]

[illegible]

[illegible]

[illegible] maritare et se esse stato matrimonio [illegible] promesso al d. Bernardino d'esser sua moglie

Che al mezzo dell'istesso [illegible] d. [illegible] [illegible] [illegible] [illegible] Producente, et tanto [illegible] l'Instante instava, et addimandava [illegible] [illegible] [illegible] anche altro proporre [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]

Do

Che essendo [illegible] anni che il d. Bernardino [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]

2do Che [illegible] [illegible] [illegible] istessa detta [illegible] [illegible] hebbe [illegible] [illegible] [illegible] [illegible] [illegible] Producente, quale finalmente [illegible] [illegible] gravida d'una putta [illegible] ~~[illegible]~~ et [illegible]

3tio Che essendo dalli congiunti di d. [illegible] stata [illegible] a ~~[illegible]~~ [illegible] [illegible] detto d. Bernardino [illegible] d'[illegible] et alcuni anni [illegible] [illegible] da quelli [illegible] [illegible]

4o Che essendo ritornata in [illegible] [illegible] [illegible] [illegible] anni [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] un giorno [illegible] [illegible] [illegible] d. Bernardino [illegible] [illegible] donna [illegible] [illegible] se [illegible] stata di matrimonio, [illegible] [illegible] promettendo d'esser moglie [illegible] d. Bernardino

5o Che essendo notoria nella [illegible] d'[illegible] la [illegible] [illegible] [illegible] [illegible] [illegible] et che detto [illegible] Bernardino [illegible] da [illegible] [illegible] [illegible] volere [illegible] [illegible] Producente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] volendo fare ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] una madre [illegible]

Se detto sig.re gli ha anco fatto intendere che i cassati ai
Sebast.o Ruini con d.o [illegible] Producente se [illegible]
[illegible] mia maggior [illegible]
7 Se l'istesso [illegible] cassati [illegible]

7o ritornare a [illegible] Producente ritornare [illegible] sig.r [illegible] per ciò che [illegible] moglie [illegible] ritornaua [illegible] et uoleua [illegible]

7o Se sa per scrittura del quondam [illegible] detto [illegible]
Producente et [illegible] et acciò seguisse la
dilatione mandò [illegible] da Roma [illegible]
[illegible] per uolerlo fare [illegible]

9o Se non hauendo la prima uolta uoluto ottenere la
dispensa delle Publicationi fece [illegible]
[illegible] Giacinto [illegible]
[illegible] fece [illegible]
Che la dispensa ebbe?

10 Se questo intende ottenere dal s.r Sebast.o Ruini
[illegible] il detto Producente stato detto che
già che non si uoleua [illegible] ottenere la
licenza [illegible] della
Publicatione uoleua [illegible] Bernardino
andarsene liberamente oue uoleua, [illegible]
[illegible] detto [illegible]
se già che non poteua ottenere [illegible] moglie uoleua
almeno p.ma che partire come marito darle
la mano in fede di matrim.o et che

Se sa [illegible] l'istesso [illegible] detta sua deliberatione [illegible]

chiamati ... de sig.ri ... di quella ...
et altri ... , et de testimonij a questo
chiamati diede in mano un segno di vero matrim.o
alla sig.ra Producente, come ordinariam.te ...
di fare et cet.

12 / 11° Che l'anello che si presenta in giud.o è stato del
s.r Bernardino et cet.

13° Che la sig.ra Camilla Producente nata di padre et
madre honorati et ... Terra di s.
Daniele ... ... onde
da tutti che la conoscono è stata ...
stimata, et reputata honesta et cet.

14° Che è publica opinione voce et fama nella Terra di
s. Daniele, che il d.o s.r Bernardino ha data la
parola di matrim.o alla sig.ra Camilla ...
... altre ... et cet.

15° Che a giuditio universale di tutti ... la
sig.ra Camilla, li suoi costumi, ...
conditione, non è verisimile, ne che ...
detta sig.ra ... altro ...
amatore ... d.o s.r Bernardino in ...
maniera, che ... fondam.to del matrim.o et
... parole ferme, che ... stata et cet.

Est quaestio [illegible] modo [illegible] et [illegible]
[illegible] [illegible] est

[illegible] et [illegible] [illegible] et [illegible] [illegible]
aliquas Terras de [illegible] [illegible] [illegible] de [illegible] anno [illegible]
quod [illegible] exigit ipse quod anno [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] inde [illegible]
[illegible] [illegible] [illegible] est [illegible]

De anno 1629 [illegible] [illegible] [illegible]
[illegible] inde [illegible] inter [illegible] [illegible]
[illegible] et [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
expensas [illegible] [illegible] [illegible]
[illegible] [illegible] Montana [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible]
[illegible] Montana [illegible] [illegible] sed et
[illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] sua [illegible] erat [illegible] debuit [illegible] ~~[illegible]~~ et [illegible] index cognovit [illegible] mandata [illegible] et [illegible] [illegible] in eadem [illegible] mandavit [illegible] restitutio [illegible] ~~ex [illegible]~~

[illegible] et [illegible] [illegible] [illegible] mente [illegible] animadvertere [illegible] [illegible] mandata [illegible] [illegible] et [illegible] [illegible] occasione [illegible] adimplere [illegible] data [illegible]

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qua declaratione stante [illegible] est ultimis [illegible] in [illegible] appellatione deberent executionem [illegible] mandari [illegible] [illegible] his et [illegible] negligere [illegible]

[illegible] dicere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] Italianos [illegible] dictus [illegible] videbat omnes [illegible] curaverat quid [illegible] ideo [illegible] [illegible] [illegible] infeudatione

quot Blada, et quando [illegible] anno 1529 [illegible]
[illegible]
de [illegible] Malisana, et qui [illegible] die citatus non curaverat
comparere, ideo [illegible], et [illegible]
[illegible] confirmavit, et dixit
in [illegible] actis in [illegible] Processus existentibus quod eo anno 1529
in [illegible] civitate [illegible] unum, et [illegible]
colonus [illegible] Marcii [illegible]. Montane
[illegible] ~~[illegible]~~ [illegible]. Unde quid ultra
esset inquirendum [illegible] condemnatione [illegible]
[illegible] eius [illegible] ~~damnatus~~ [illegible] ut habetur et [illegible]
[illegible] ~~[illegible]~~ [illegible], [illegible]
[illegible] ad hunc remanet debitor [illegible]
[illegible] causa debebit [illegible]
a [illegible] ~~[illegible]~~ Addo ulterius quod [illegible]
[illegible] damnat Montuna [illegible]
[illegible] molestia [illegible] anno illatae [illegible]
unde [illegible] terminat [illegible]
et propterea debent [illegible] a [illegible] mo [illegible] iudice
[illegible] alterea [illegible] Montuna [illegible]
quibus [illegible] remanit [illegible]
ex [illegible], [illegible] et [illegible]
[illegible], [illegible]
et magis [illegible] demonstrant:
Tractatus de [illegible]
[illegible] Malisanos [illegible]
et ad [illegible] de expensis [illegible] ~~[illegible]~~ [illegible]
ex [illegible] pro executione [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] quoque [illegible].

Molto Ill.re et ecc.mo Sig. mio oss.mo

Con ocasione del presente [illegible] [illegible] [illegible] ancho di
ritorno [illegible] [illegible] [illegible] [illegible] [illegible]
sapere ancho come il Sig. [illegible] di Castell o qui
san Daniele [illegible] [illegible] che sija [illegible] e
[illegible] [illegible] et [illegible] [illegible] ato e [illegible] [illegible]
[illegible] Iddio nostro Sig.re [illegible] mediante
il valor et [illegible] di [illegible] che [illegible] protege
auiene con questa [illegible] [illegible] [illegible]
[illegible] et da Idio [illegible] [illegible] sara [illegible] [illegible]
ta [illegible] sua [illegible] et dal mondo ben che [illegible]
[illegible] sarà [illegible] [illegible] [illegible] [illegible] [illegible]
non sara senza riconoscenza [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] io [illegible] et [illegible] de et [illegible]
[illegible] faren [illegible] quello a fato et [illegible]
[illegible] fare che con [illegible] [illegible] [illegible]
[illegible] sono [illegible] il [illegible] che [illegible] [illegible]
era a [illegible] [illegible] et se [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] i [illegible] [illegible] [illegible] venir
atendendo [illegible] il prete [illegible] con qualche particular
[illegible] o fato chamar il [illegible] [illegible] un
[illegible] [illegible] in quella [illegible] [illegible] [illegible] casa [illegible] che ancor
fara il [illegible] [illegible] con che [illegible] et [illegible] [illegible]
[illegible] [illegible] a [illegible] [illegible] [illegible] [illegible] [illegible]
da Dio nostro [illegible] [illegible] [illegible] compita [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] 18 [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible]

huius sententię, (Et sic ~~excita~~ actio liceitatis sapientię [illegible]
[illegible]
[illegible]
[illegible]
integre [illegible]
ad [illegible] Malitanus [illegible]
omni casu [illegible] ~~[illegible]~~ casus
[illegible]
[illegible] Montana [illegible]
[illegible] obligatus; sed [illegible]
[illegible] Montana [illegible]
[illegible]
[illegible] ad explutas [illegible] Montana
[illegible] sed statim Malitani [illegible]
nec mirum quia L. Montana [illegible] vocatus, vocallet
et ipse singularum Malitanis [illegible] eius [illegible]
[illegible]
[illegible] et ad [illegible]
[illegible] tenim [illegible]
obligatus [illegible] quod ~~[illegible]~~
~~[illegible]~~ [illegible] quoq [illegible]
[illegible] ~~[illegible]~~ [illegible] Montana.
[illegible] sane, seu Puncta
Controversa diuisit [illegible] in illis [illegible]

Pronuntio [illegible]
[illegible]
[illegible]
[illegible]

quali dicere velles [illegible] [illegible] [illegible]
[illegible] laudis ad ~~aut~~ [illegible]
in latis [illegible] [illegible]
[illegible] molestia [illegible]
[illegible]
[illegible] [illegible] quod [illegible] calle [illegible]
[illegible] intellectus [illegible]
[illegible] damnaverit ~~ex~~
[illegible] eundem [illegible]
[illegible] Unde [illegible]
~~[illegible]~~ [illegible] [illegible]
[illegible] [illegible] ad [illegible]
[illegible]
in [illegible]

[illegible] de novo [illegible]
[illegible] aut [illegible]
[illegible] una de
[illegible] voluerit admittere ad [illegible]
[illegible] quod [illegible]
[illegible]
[illegible] antea [illegible]
[illegible] eam [illegible] nec [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

eius sumptus rei iudicatae ad utrum maliformam non debent [illegible]
et certe grave esset ~~ut dicit lex in d. l. [illegible]~~ quod rei
iudicatae solvent honoris [illegible] sumptus vitias [illegible]
ut dicit lex [illegible] [illegible] [illegible] formaliter [illegible]

sub [illegible] novum [illegible] vitias
[illegible] rei iudicatae

executio grave est.

[illegible] adiicitur fuerunt appellationes [illegible] [illegible]
appellare posset et [illegible] [illegible] [illegible]
[illegible] concilio ~~[illegible]~~ [illegible] [illegible]
eodem, sententia ~~[illegible]~~ prolata [illegible] [illegible]
[illegible]
~~[illegible]~~ ad ostendendum [illegible] [illegible]

Ad hoc accedunt formam [illegible] [illegible] a certa [illegible] novissimus
[illegible] Montanae [illegible] et cognosceret quod nihil [illegible]
[illegible] licet [illegible] vocaverit [illegible]
colonus [illegible] ~~[illegible]~~ attenuerit [illegible]
attentis ad quae [illegible] [illegible] [illegible]
[illegible] ecce [illegible] [illegible] colonus [illegible]
eius [illegible] [illegible] [illegible] tendit
[illegible] Montanae
et [illegible] propria esset [illegible] quatenus admittentur
[illegible] [illegible] [illegible] [illegible]
[illegible] quia [illegible] quod [illegible] indistinguunt
ad [illegible] obstantibus [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] iudicatae ~~[illegible]~~
[illegible]

Ill.mo et R.mo Sig.r et Padrone Col.mo

[illegible] Ill.ma [illegible] ne [illegible] moreno [illegible] et [illegible] in [illegible]
[illegible] mano [illegible] in a mio [illegible]
[illegible] interessi [illegible] infinite gratie [illegible]
[illegible] degne [illegible] a mia
persona senza merito alc.o di V. S. Ill.ma le obbligationi
[illegible] di essere di [illegible] sono dupli-
cate gratie, et di non [illegible]
[illegible] il mio padre [illegible] S.r [illegible]
[illegible] di [illegible]
[illegible] la [illegible] et l'attenderò [illegible]
alla querela del giard. [illegible]
in [illegible] nel [illegible]
[illegible] sara quello [illegible]
mortificare. [illegible]
Jeri [illegible] di [illegible]
[illegible] Belim [illegible]
[illegible] habitatori [illegible]
de [illegible] mendicante [illegible]
[illegible]
[illegible] menar [illegible]
infelici [illegible]
[illegible] furono [illegible]

a V. S. Ill.ma ogni felicità et prosperità prometterse [illegible] alla mia [illegible] [illegible] di [illegible] [illegible] [illegible] [illegible] singolari [illegible] di Vostra S.ria da D. Il [illegible] et le [illegible] [illegible]
Di [illegible] 15 [illegible] 1690

[illegible]

[illegible]

[illegible]

Ill.mo [illegible] Sig.re [illegible] Molto Ill.re Sig. [illegible]

Questa [illegible]

[illegible]

[illegible] di [illegible]

[illegible] Esc.za [illegible]

Tutti [illegible] facili [illegible]

[illegible] quanta [illegible]

[illegible]

che in detti [illegible] anni [illegible]

[illegible] che [illegible]

[illegible]

determinato che il duro [illegible] fusse battuto e il molle

col tauro. Questa dissertatione ha prodotto [illegible]

[illegible]

rare [illegible]

[illegible]

[illegible]

anni in qua sono reaccettati di [illegible]

pietra dura inespugnabile col martello [illegible]

[illegible] forniace et [illegible] [illegible] via

di trarre tutti dal Monti [illegible]

ni d'albe [illegible] Quelli

[illegible]

[illegible]

et diliderenza [illegible] ordini alli
suo pregiudicii [illegible] humilissima [illegible] supplicano
e [illegible] V. [illegible] che [illegible]
nel [illegible] altri [illegible] che [illegible] non domandili col [illegible]
[illegible] dalli [illegible] di questa Città [illegible]
[illegible] sono interessati intendano [illegible]
[illegible] con la punta [illegible] d'avantaggio, et [illegible]
[illegible] che [illegible]
[illegible]
[illegible] di [illegible]
[illegible] sia
pervenuto all'instante [illegible]
i quali [illegible]
[illegible]
[illegible]

[illegible] ordinario seguire [illegible]

[illegible]

[illegible] de [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

che il Territorio è il medesimo che era in quel
tempo, la che è stato nel Processo [illegible]
la ne conseguenza, che essendo stata [illegible]
inserzata [illegible] la Forza [illegible]
debba essere tutto dichiarato [illegible]
la continua al Principe [illegible]
[illegible]
[illegible]

[illegible]

[illegible] ... nostro ancora [illegible]
la Sentenza [illegible] [illegible]
di qui la Villa d'Ol[illegible]
del suo Principe nè d'altri, che
[illegible]
che confirmano gli ... giudi[illegible]
[illegible] attende aggregata [illegible]
Esauste dei [illegible]
che [illegible]
[illegible]
[illegible] ... con [illegible] riguardo [illegible]

[illegible]

[illegible] ad ogni [illegible]
[illegible]

alli [illegible] [illegible] modificava [illegible]

[illegible] ~~[illegible]~~ scrivanti [illegible]

[illegible]

[illegible]

[illegible]

quelle attenzione, [illegible] Serie [illegible]

della Coordinazione della [illegible]

[illegible]

[illegible]

Sono ~~[illegible]~~ molti

[illegible] sono [illegible]

d'una [illegible] montagna ~~[illegible]~~

maggior [illegible]

Pietre [illegible]

Terra [illegible]

[illegible]

~~[illegible]~~ [illegible]

[illegible] nella [illegible]

[illegible] disposte a rendere [illegible]

[illegible] di qualità [illegible]

ma [illegible] riguardo [illegible]

quali ~~[illegible]~~ ~~[illegible]~~ prodotte [illegible]

del Sole [illegible]

ne [illegible]; che più [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ciò [illegible]

[illegible] costituito;

[illegible] maggiore.

[illegible]

[illegible] ... [illegible] o [illegible] mente a [illegible] male [illegible]
[illegible] ita [illegible] che [illegible] conviene [illegible]
[illegible] drittamente di [illegible] animali [illegible] nelle
[illegible] non [illegible]
dei piedi [illegible] monta [illegible] [illegible] distanti
della [illegible] ta [illegible] toscana
[illegible] li [illegible] viene [illegible] strade
[illegible] con
[illegible] di qualche animale [illegible]
[illegible] trovano li ditali [illegible]
[illegible] monti [illegible]
[illegible] ovo [illegible]
[illegible]
[illegible] con [illegible] a [illegible] vento
di [illegible] li quali tutti a
[illegible] alterato [illegible]
[illegible] con de [illegible] ove [illegible]
[illegible] di [illegible]
[illegible] di la [illegible] fiano [illegible]
[illegible] molte [illegible] [illegible]
[illegible] dalle quali [illegible]
[illegible] anno [illegible]
[illegible] non [illegible]
[illegible] onde
[illegible] nella maniera [illegible] forma [illegible]
[illegible] [illegible] mo
[illegible]
[illegible] [illegible]
[illegible] [redacted] [illegible]
[illegible] con [illegible]

[illegible] vita si doveva [illegible] che adesso non
[illegible] a disimentiarsi a viver a bisante
[illegible] ne hanno et [illegible]
di homini [illegible] che se bisogno
si vuo contentamento [illegible] e altri [illegible]
bisognano [illegible] io non pertanto
bisognava di introdur [illegible] con che
[illegible] mantenersi contenti [illegible] la invitione di quel
[illegible]
vedersi [illegible] in tutti anchora [illegible]
se medesimo in [illegible] la vita lo vive
[illegible]
[illegible] della invitione [illegible]
[illegible] e [illegible].

Li prudenti in [illegible] ancora [illegible] che
[illegible]
il suo [illegible] tale [illegible]
[illegible] comprar le
[illegible]
[illegible] di quelli in una
come [illegible] si movesse
secondo [illegible]
[illegible]
di strada si haveva [illegible] massime [illegible] altri
[illegible] da [illegible] da loro
nobili [illegible] a quelli
abitanti [illegible] terra
necessariamente [illegible] al giamai
[illegible]
[illegible]
che contra [illegible] onde [illegible]
[illegible]
contadini massime [illegible]
[illegible]
[illegible]

[illegible] he a [illegible] chiaro [illegible] delle deposizioni i [illegible]
i monti [illegible] stando [illegible] [illegible]
[illegible] a carte noue [illegible] come anco [illegible] uinione [illegible]
[illegible] a [illegible] [illegible] [illegible] rogvero del [illegible]
[illegible] [illegible] [illegible] si [illegible] il uedeto in chontro
[illegible] in [illegible] [illegible] andiuieer.
Diversi in nostra origin [illegible] i [illegible] [illegible]
[illegible] [illegible] che in [illegible] ua [illegible] del
sito monti [illegible] [illegible] [illegible] [illegible] le [illegible]
[illegible] [illegible] [illegible] [illegible] di [illegible]
[illegible] [illegible] il torente [illegible]
[illegible] fiume della [illegible] [illegible]
[illegible] dalla [illegible] della [illegible] [illegible]
[illegible] [illegible] [illegible] di [illegible]
[illegible] [illegible] onde [illegible] [illegible] [illegible]
[illegible] et inequali [illegible] tal [illegible]
[illegible] tal [illegible] totalmente [illegible] [illegible]
[illegible] edificargli il che [illegible] mente [illegible]
[illegible] dato dal [illegible] [illegible]
il [illegible] nono di [illegible] [illegible] [illegible]
[illegible] il [illegible] di [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] a gli [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] di [illegible] [illegible]

[illegible]

Fu opinione di savij, che le regole delli giudicanti intorno
che nelle Risse, et avenimenti penali, ciascuno [illegible] fusse
punito per quello, che è a ciascun nella rissa commesso o
adoperato, et ciò espressamente [illegible].

In Rixa quemque teneri pro eo quod fecit.

Et però vuole la giustitia, che nelle formationi che
si fanno delli processi a off[ici]o, si procuri di liquidare
non solo il delitto, ma le delinquenti inclusive, et le operationi
di ciascuno che sia intervenuto, acciò conosciuti le colpe,
et gl'autori loro, s'applichino le pene conforme alli
demeriti, et che l'innocenti, o meno colpevoli, non
siano a castigo [illegible], et a pena a lui
per operationi inapplicabile dicendoli, che

Crebri [illegible] pro [illegible] culpa

Fondamenti che in ragione essendo non veri [illegible]
infallibili sogliono per ordinario [illegible]
a quelli a quali tocca di esercitar atti di
giustitia [illegible], per uscir a sentenze
piene di ragione et colme di equità, nelle espeditioni
criminali tanto lodata, Et in questa felicissima
serenissima stato colla commendatione, et praticata.

Et però Ill.mo mio S.re possono tanto Biacchi Canon[ici]
in quelle parole nel tuo presentato [illegible] quanto in semmari
di qualche malitia contra lui et anche machinato
~~o procurato~~ con definirlo per colpevole, ove egli è stato
innocente, et che nel sangue di Fraio intrinsecato non
è stato mai, ~~[illegible]~~ d'una morte nulla sappe
ne di [illegible] pensò in ~~tempo~~ alcuno tempo [illegible]
anzi che procurò mentre il rumor [illegible] fosse
[illegible], et che le liti, [illegible] pigliat[e], che
facevano il q. Fran.co [illegible], et [illegible] bene [illegible]
~~[illegible]~~ che l'acquistavano, et
non [illegible] come havevano principiato, il che
si deve dal processo [illegible] chiaram.te Et costituito
Biacchi in [illegible] presso la giustitia, non si leggendo in tutto
detto processo un [illegible] contrarij al carcer
[illegible], et non dicendo alcuno di gl'[illegible]
fosse ancor [illegible], che in quella [illegible] potea
o [illegible] parte, che [illegible], o che contro il [illegible] fr[ancesc]o
[illegible] cosa alcuna per minima [illegible] fosse [illegible]
o [illegible] di tale riputatione, non che di castigo, il che ben
scorgerà la sapienza vostra [illegible] giudice, mentre con le ~~[illegible]~~ dette

giuditiosa di V. S. Ill.ma relatam.te il fatto di servando
~~penetr[illegible]~~ di quanti qui mi son detti istanti rapace.
~~Et però no occorre di più come credo~~ concludendo ~~[illegible]~~
l'innocenza ~~di [illegible]~~ di questo ~~come~~ quanto la raggion
comanda, ~~tanto più~~ et l'istessa ci rappresenta, quella
per le [illegible] ~~[illegible]~~ [illegible] di [illegible] alla sua
[illegible] altri non [illegible] che [illegible], et il q. Franc.co, o quello
[illegible] ~~[illegible]~~ ~~[illegible]~~ poiché [illegible] non
[illegible] di alcuna cosa, et [illegible] affirma-
[illegible], che [illegible] Pugnano che stessero in Pace,
[illegible] d'animo, et di [illegible] tranquillità, ad ogni
[illegible] non a far male: come ~~[illegible]~~ di [illegible]
nella fine quelle risposte, [illegible].

~~[illegible]~~ Ne osta all'innocenza sua, l'[illegible]
[illegible] nel dì [illegible] del [illegible], [illegible]
di [illegible], [illegible] ~~[illegible]~~ ritirato, et da questo
[illegible] contra lui [illegible] inditio, [illegible] si risponde [illegible] la
raggione che ~~[illegible]~~ simili ritirati siano ~~[illegible]~~ productivi di
[illegible] il ritirato, secondo la dottrina di [illegible] Giuliano
nel suo trattato de [illegible]: [illegible] nel tit: de fuga al num. 1.
dove [illegible], [illegible] dover il Giudice [illegible]
di [illegible] alcun inditio della fuga et adduce il [illegible]
quella [illegible] nel [illegible], [illegible] Col. di ~~[illegible]~~ raptu Virg.

tia che occorre inder. ja lantano argumentando. nessuna
cosa in Dritta .... la manifesta sua innocenza, et le prove
introdotte, et fatti in .... ~~man~~ ! dimostrano tali quali è necessario
constando effettivam.te del Comicida, ~~come~~ et in ... altra bene, che
di quello che ~~tan~~ Vuti il q. francesco, la maniera, che appariscano
ove si dette consilio, et chi del Comicidio è reo, contro quello, no
contro ~~fa~~ altri si deve dalla giustitia animadvertire, ripetendo in tali
casi la pena, quella che di .... nomina il nome, et che in
fatti ~~et~~ colpevole appare, ~~come nel ... ...~~
~~la confessione et~~ come tale si di Giacomo Mattia ~~...~~ bartolomeo ....
et quello di porgere gli esaminati sopra il testimonio: et però, dicendo
termine di ragione certiss.mo et tanto oggi in [illegible], che la confessione
il ~~...~~ Comicida provi i Comicidio, e in ... la innocenza
del reo ... la confessione rifatta da testimonio
e contro gli esaminati, che Mattia Bartolomeo .... sopra detto
il ... altri haver ucciso il q. Fran.co ne puo, no[n] essendo dire ...
castigato ~~...~~ attendendo a tal confessione, ~~...~~ Bonifacio nella
sua ... 164. al num. ... dove ... altri osservanti in pratica ...
~~...~~ ... opinione commune conclude Pietro Calefat nelli ~~...~~
criminal. ... al nu. ... nel 2. ... ~~... confessione~~, ...
~~... ...~~ confessione Comicidii ... necessarie et altri necessarie
... Comicidii ... opinione ... apparisce, come
... nella ... nel ... ordinar. ... cl. di ... et nella
... nel ... dicto ... ... gib. ...
cons. in ... Ant. Hipolit. de Mars. ... cons. 4 ~~...~~ al num. 2.0. ...
il ... Prat. criminale nel ... Comicidii ... ...

num. 80. sono necessari in quello caso a [illegible] ... ch.me cator-
pi[illegible] testimoni, poichè li ~~[illegible]~~ Leggi, [illegible] [illegible] causa ...
d'auttori et d. q. Fran.co [illegible] ~~[illegible]~~ [illegible] [illegible] contratto p il commercio
d[illegible] ..., nelle quali [illegible] nelle lettere [illegible] [illegible] anco
[illegible] [illegible] [illegible] in loro Compagnia come dicono gl'esaminati
a diffesa sopra li Capitoli p.o [illegible] al detto [illegible], et [illegible] altre
armi [illegible] [illegible] [illegible] [illegible], come dicono gl'esaminati à
offesa [illegible], [illegible] [illegible] quel giorno, et [illegible] di [illegible]
[illegible], ~~[illegible]~~ nelle quali necessariamente interviene. Le quali ~~[illegible]~~
~~[illegible] [illegible] [illegible]~~ [illegible] [illegible] [illegible] a diffesa sopra
l'[illegible]: [illegible] [illegible] [illegible] [illegible] [illegible] ... [illegible] introdotte dalla
[illegible], [illegible] [illegible] [illegible] nil [illegible], ita in terminis tradit
[illegible] in l. [illegible]. 55 i. ff de [illegible]: [illegible] [illegible] [illegible]
scilicet: ~~[illegible]~~ in l. ultima Cod. de accusat. et [illegible]
il [illegible] nel trattato crim: nel tit: de [illegible]: al num. 147. et
il [illegible]: nel cons. ... [illegible]. al num. 3. Et così [illegible] [illegible]
innocenza di [illegible], et la [illegible] [illegible] [illegible] [illegible] [illegible]
la quale si come [illegible] [illegible], così [illegible] [illegible]
addimanda.

158 / IIII mentre [illegible] per cui [illegible]

come [illegible] [illegible] quilibet [illegible] nos[illegible]

immat[illegible] ff. di [illegible] [illegible] Rip.

[illegible] nell' [illegible] 402. al num. [illegible] [illegible]

[illegible] al num. [illegible] Albano [illegible] ~~[illegible]~~ detta l. quis sit [illegible]

[illegible] in fine per. [illegible] l'uccello [illegible]

part. [illegible] ~~[illegible]~~ [illegible] che si [illegible]

[illegible] il [illegible] nella l. i. al num. 18 ff. [illegible]

il [illegible] ~~[illegible]~~ [illegible] il [illegible]

[illegible] come, [illegible] ~~[illegible]~~ qualunque [illegible]

~~[illegible]~~ [illegible] Trattati delli [illegible] il g. [illegible]

[illegible] il Bruno nel trat. di [illegible] et [illegible]

[illegible] 3. nella i. par. al num. 12. [illegible] Simano

nel cons. 241. al num. i. [illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible] pegg. [illegible]

di [illegible] Menochio [illegible] ~~[illegible]~~ [illegible]

[illegible] nel cons. 37. al num. 16 [illegible] nella

l. admonendi ~~[illegible]~~ al num. 71. [illegible] nella istessa legge

al num. 160 nella 3. [illegible], et [illegible] sachi al num. 58

[illegible] ff. [illegible] ~~[illegible]~~

[illegible] inquisitionis [illegible] 1514

[illegible] Ex.^{mi} [illegible] nadamus [illegible]

ut [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

et in [illegible] mense [illegible] 1068 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in hoc ordine iudicii immorantes decrevimus [illegible]

[illegible] morte eadem [illegible]

[illegible]

[illegible] Ultimus [illegible]

[illegible] sufficere decimus [illegible]

[illegible] quae nostra tempora [illegible]

[illegible]

[illegible] singulatim [illegible]

ut dubitari nullo modo possit cum illa ut extent
in eo decreto, neq[ue] expressè damnent, condemnentq[ue] in specie [illegible] Cl. 4
Modo in d[ict]o Confirmat[ionis] omnes Mandat[a] pro quolibet [illegible]
contradixit confirmandum

1º nedum loco contradixit ad Mandat[um] Pauli Alcaini
Mandatus aut[em] Pauli Alcaini extant continua ad n[umer]o [illegible] dicta confirm[ati]o [illegible]

2º vero ad Mandat[um] Presbyteri Benedicti et [illegible] [illegible]
[illegible] in [illegible]

3º vero [illegible] procedere contradicendo [illegible] ad mandat[um] [illegible]
[illegible] et ~~[illegible]~~ [illegible] in [illegible]
nº [illegible] 27

4º vero [illegible] [illegible] ad Mandat[um] [illegible]
de [illegible] [illegible] [illegible] nº [illegible] [illegible]

5º vero contradixit pro mandato [illegible] [illegible] aut[em] [illegible]
[illegible] [illegible] nº [illegible] fol. 25

6º loco ad Mandat[um] Petri [illegible]; et Mandatus [illegible]
[illegible] confirmatus in [illegible] Confirmat[ione] nº 17. fol. 26 [illegible]

7º ~~[illegible]~~ [illegible] declaravit contradicere [illegible]
mandato [illegible]; Mandatus aut[em] [illegible] in Confirmat[ione]
[illegible] nº 20 fol. 27.

8º vero ad Mandat[um] [illegible]; [illegible] aut[em] [illegible]
[illegible] 22 fol. 29

9º loco Mandat[um] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] nº 26 [illegible]

[illegible]
[illegible]
[illegible]

[illegible] confirmatl. [illegible] ut habeat [illegible], igitur ad [illegible]
[illegible]
[illegible] primarius, et [illegible] omnium [illegible]
confirmationis ipsa, eo quia facta fuit ad [illegible] et [illegible]
[illegible] ~~[illegible]~~
[illegible] debet [illegible] de confirmandis [illegible] Praelatus
[illegible] inter [illegible] Praelati [illegible]
[illegible] eiusdem ex alio [illegible] ut [illegible]
[illegible] inadeat [illegible]
[illegible] elementis [illegible]
[illegible] de exceptionis, confirmand. ~~[illegible]~~ [illegible]
[illegible] ad [illegible] nec [illegible] inter [illegible] Praelati
[illegible]
[illegible]
[illegible], ut [illegible]
[illegible] confirmatione [illegible]
debere [illegible]
[illegible] ad [illegible] Praelati [illegible]
[illegible] Patris [illegible]
[illegible]
[illegible]
[illegible]
[illegible] nec eiusdem [illegible]
[illegible] Patribus [illegible]
[illegible] ad [illegible] a
[illegible] ut [illegible] obligare
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] ad [illegible] in [illegible] [illegible] [illegible]
[illegible] ; [illegible] [illegible]
[illegible].

[illegible] ad [illegible] ad manutentione[m] [illegible]
[illegible] et [illegible] [illegible] [illegible]
[illegible]

sed [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
quod [illegible] ~~[illegible]~~, ut [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible].

modo quid [illegible] [illegible] aut [illegible], [illegible]

1.° quod homines electi a [illegible] ad [illegible] [illegible]
non essent [illegible] [illegible]

2.° quod [illegible] [illegible] [illegible], quae [illegible] [illegible]
[illegible] [illegible], ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] ut [illegible] solleant [illegible]
[illegible] quantitate

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Marinus [illegible] alias [illegible] Cardinalis [illegible]
[illegible] ad omnes has [illegible], integre [illegible] [illegible]
in quantitate modo [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible], ~~[illegible]~~ *

Validiora adhuc fundam[en]ta: ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] A

[illegible] de [illegible] ad [illegible] [illegible] [illegible]
[illegible]
[illegible] ~~[illegible]~~ in [illegible] 7 Maij 1637
in [illegible] 5 [illegible] omnes Mantes [illegible]
[illegible]
Pauli [illegible]
[illegible] Benedicti
[illegible]
[illegible]
[illegible]
[illegible] Laurentij
Georgij [illegible]
Michaelis [illegible]
[illegible]
[illegible] et
[illegible]
Quod ad omnes hos Mantes, habet de anno 15 [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible], [illegible] Mantes [illegible]
[illegible] [illegible] et [illegible]
[illegible] ut [illegible] ex singulis Palatijs
[illegible] in [illegible] ad
[illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible]
[illegible] ad [illegible]
[illegible]
[illegible], quod ne [illegible] exactio [illegible] [illegible] et
Partitas in eis [illegible]; [illegible]
[illegible]
[illegible] ~~[illegible]~~ ne [illegible] [illegible] esse [illegible]
[illegible] Mantes [illegible]
[illegible]

exactiones [illegible] fuisse [illegible] egit [illegible] fol. 88 [illegible]
~~[illegible]~~ [illegible] 133

Inde ad ~~[illegible]~~ [illegible] [illegible]
[illegible] de anno 1342 [illegible]
[illegible]
Copulatam Cartas per [illegible] Partis et [illegible] ~~[illegible]~~
[illegible]
~~[illegible]~~ [illegible] et [illegible] et [illegible]
illius [illegible]

[illegible] accedat ~~[illegible]~~ [illegible]
[illegible] Fernandus, [illegible]
[illegible]
de anno 1537 [illegible] Aprilis [illegible]
[illegible]
[illegible] in ordine [illegible]
Quod omnes [illegible] solvunt [illegible]
[illegible]
[illegible] 1539 [illegible] et [illegible]
[illegible]
[illegible]
[illegible] fol. 83 ter. et seqq. omnesq [illegible]
[illegible] per exactionem [illegible]
[illegible]
[illegible] Parte [illegible]
solvere debet, et ad satisfactionem eandem [illegible]

[illegible]

[illegible] videtur [illegible] incrementa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible]

~~[illegible]~~

Pro [illegible] officii [illegible] [illegible]

[illegible] quod ab anno 15[illegible] [illegible] [illegible] et continuatis [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] [illegible] in integrum [illegible] [illegible] [illegible] in has dignitates [illegible] [illegible] [illegible] [illegible] successorum; quo fit quod ea tenebunt [illegible] dignitate [illegible]

[illegible]

[illegible] ultra [illegible] nullo [illegible]

[illegible] inventi. Unde [illegible] adducti

credita [illegible] in eodem [illegible] reddit

eo definito [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] quod [illegible] in eodem

[illegible]

[illegible]

[illegible]

[illegible] quod [illegible] esse vacante [illegible]

[illegible]

[illegible] esse vacante [illegible]

[illegible]

[illegible] nec [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]

~~[illegible] [illegible] [illegible]~~

~~[illegible]~~ [illegible] ~~[illegible]~~ amand [illegible]

~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]

~~[illegible]~~ [illegible] damni [illegible] ad [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] in [illegible] [illegible] [illegible]

~~nec [illegible]~~ [illegible] est opus, [illegible] ex [illegible] index [illegible] [illegible] debeat

nec [illegible] Fundone [illegible], eo quia [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

tex: [illegible] Fundus ff Cor. [illegible].

[illegible], [illegible] [illegible] [illegible]. et [illegible], ~~[illegible]~~

Numquid [illegible] illa exceptio obiecta [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] ~~[illegible]~~ [illegible], et [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] prius [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible]

[illegible], ut [illegible] [illegible], et [illegible] [illegible] [illegible]

[illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]

~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~

[illegible] domini [illegible];

[illegible] [illegible] [illegible] Abbate, [illegible] [illegible] [illegible]

~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

~~[illegible] [illegible] [illegible] [illegible]~~

[illegible] nec [illegible] similiter [illegible]

et [illegible] à [illegible]

[illegible]

in eius [illegible] 7. Martii 637 fol. 15 [illegible]

[illegible] solvens [illegible]

est [illegible]

[illegible]

[illegible] male [illegible]

[illegible]

[illegible]

tit: de locat: nu: 41, et 64.

Modo [illegible] quo ad lege [illegible] est solvens, et [illegible]

ejus [illegible] ut habet ex [illegible]

[illegible]

[illegible]

[illegible]

[illegible] quae [illegible] et justitia [illegible]

debet [illegible]

[illegible] de [illegible] est tex: [illegible]

in integr. [illegible] solutus remanet [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] patet ad [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Vbke ad [illegible] [illegible]
[illegible] erat Paris [illegible] sedem Pa[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] iniquā; sed [illegible] conditio [illegible] [illegible] quatenus
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] debet [illegible] [illegible] nec [illegible] ad
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] iniquā conditio
[illegible] [illegible] [illegible] [illegible]
et si hoc [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quod quilibet [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad eadem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] Primam
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] debet [illegible] [illegible] [illegible]

F. [illegible]

[illegible] [illegible]

F. eod. ter.

excessu [illegible] [illegible] [illegible]

F. 4 637 [illegible] martii

[illegible] [illegible] debent [illegible] pro quibus [illegible] contradicunt [illegible]

F. [illegible] maij

expressio [illegible] ad quod contradicens fuit; dicit ea [illegible]; [illegible] [illegible] [illegible] [illegible] et Antonij [illegible] [illegible] [illegible] qui [illegible] Abbates [illegible] [illegible] dominium [illegible] ad [illegible] [illegible]

et [illegible] conveniat omnes [illegible] [illegible] [illegible]

F. [illegible] maj 637

[illegible] [illegible] [illegible] [illegible] Ratum factum [illegible] [illegible]

[illegible] 2 638 3 martii

[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] de [illegible] copulativi

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] Copulatio obligatum ad [illegible] [illegible], et [illegible] deputari ad liquidandum [illegible] [illegible] [illegible] nominando et continuando

Fol. 54 1542 15 Aprilis

[illegible] [illegible] [illegible] illos [illegible], et aliorum [illegible] [illegible]

Fol. 55 ter. 1542 [illegible]

Alia [illegible] ad [illegible] [illegible] quia [illegible] [illegible] excessiva [illegible] [illegible] ambos illos [illegible]

Fol. 57 [illegible] 1542

[illegible] ad [illegible] [illegible] [illegible] [illegible] obligavit [illegible] [illegible]

Fol. 58 [illegible]

[illegible]

Fol. [illegible] 1542 [illegible]

[illegible]

Fol. [illegible] [illegible]

[illegible]

Fol. 2 ... 20 Junij

Fides D. Gasparini Sanssani ad Rev. Capitulum ... [illegible] ... erat ... in manu Fiscali ... attestatur.

... libros Oblatiarum annis 1449 · 1473 1482 · 1483 · 1484 · 1485 · 1504 · 1523 · 1541 · 1542 · 1543 et 1553, ac Rotulis [illegible] ... [illegible] ... [illegible] ... [illegible]

Fol. 54 ... 1555

... [illegible] ... [illegible] ... [illegible] ... [illegible]

... 29 Augusti 1555 ... [illegible] ... de Catanka

Fol. 72 ... [illegible] ... [illegible]

Fol. 75 1635 29 Junij

... [illegible] ... Oblatiarum ... [illegible] ... Transactionis

Fol 75

Particulae extractae ex Rotulo Capitularis S. Viti 1542 ... Martini ... [illegible]

... [illegible]

Ad Mansum Pauli Decani
Ad Mansum Bartolomej Benedix
Ad Mansum Danielis Grandi

Ad Mansum Leonardi Vanabokx
Ad Mansum Ondrici Colai
Ad Mansum Colai Laurentij
Ad Mansum Georgij Miani
Ad Mansum Michaelis Chuttij
Ad Mansum Antonij Vnniomtz
Ad mansum ... [illegible] ... Hmman
Ad mansum ... [illegible] —

... [illegible] ... anno 1542 ... [illegible] ...
Pº loco
Ad Mansum Antonij Vnniomtz
Pauli Decani
Leonardi Bartolomej Benedix
Leonardi Vanabokx
Danielis Grandi
Colai Ondrici
Colai Laurentij
Georgij Miani
Michaelis Chuttij et
Martini Decani
Et hic ad omnes Mansus pro ... [illegible] ... concedit

Fol 62 1577 Pº aprilis

... [illegible] ... Capitulum S. Viti ... Catanka
per quod omnes ... [illegible] ... pro Oblatione ... S. Viti ... Mansis ... [illegible] ... 20 ... [illegible]

quod [illegible] obtinent in [illegible]
[illegible] Fornd [illegible]
[illegible]

[illegible] quod [illegible] obtinent [illegible]
[illegible] 20 30 40 50 et [illegible]
[illegible]

Fo. 8 [illegible]

[illegible] Antonij [illegible]
Pauli a' Ollario, Joannis [illegible]
[illegible]
[illegible]
Joannis [illegible]
[illegible] Francisci [illegible]
[illegible] Antonij [illegible]
Danielis [illegible] Piloti
Danielis Montalti [illegible]
[illegible] Nicolai [illegible]
[illegible] omnium [illegible]
[illegible] praesentis
[illegible]

Fo. 88 [illegible] Fo. 138 1527
[illegible] Capitanei [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] omnes [illegible]
[illegible]
[illegible]

[illegible]
et [illegible] temporibus [illegible]
[illegible]

[illegible] 137 1530 17 augusti

[illegible] in Consilio de 40
[illegible]
[illegible] et aliam [illegible]
respicientes [illegible] et mandat
exequi [illegible] est

Fo. 40 1444 21 maij

[illegible]
[illegible]
[illegible] de Bagnara [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
Ex [illegible]
[illegible]
[illegible] alias [illegible]
[illegible]
quibus Capitulares exigunt [illegible]
[illegible] domini

Fo. 143 14 maij [illegible]
[illegible]
[illegible]
quod ad [illegible] materia
[illegible]
[illegible]
[illegible]

[illegible] revelar [illegible] pro [illegible]
[illegible] 1008

Fo. 144

[illegible] Romani [illegible]
[illegible] infinitis
et [illegible]

[illegible] Patrimonii [illegible]
[illegible]
[illegible] tenear [illegible]
[illegible] Ponte [illegible]
[illegible] nec nadat [illegible]
sed [illegible] aliquae.

[illegible]
[illegible]
[illegible] Romani, et hic [illegible]
[illegible]

[illegible] exceptiones [illegible]
[illegible]

[illegible] ad [illegible]
[illegible] ad [illegible]

[illegible] non [illegible] consuetudo est
[illegible] dicere [illegible]
[illegible] ad [illegible]
[illegible] nec [illegible]
[illegible]

[illegible] est [illegible]
[illegible]

[illegible] ad [illegible]
[illegible]

[illegible]

[illegible] non [illegible]
[illegible] habeat [illegible]
[illegible]

[illegible]
Cod. de [illegible] Lib. ii.
[illegible]
[illegible] est [illegible] totius
Protectionis [illegible]
[illegible] et [illegible] Ponte [illegible]

[illegible] Ill.mo [illegible] F.p.

di S. E. Ill.ma [illegible] e tiene tutte [illegible]

[illegible] Giacomo Venerio [illegible]

[illegible]

[illegible] tremito [illegible]

[illegible] spendersi [illegible]

[illegible] causa [illegible]

[illegible] Venerio [illegible]

[illegible] animo [illegible]

[illegible] tutto [illegible]

[illegible]

Secondo [illegible] chiuda [illegible] finestra fatta [illegible]

[illegible] a [illegible] mori di casa

[illegible] cerendo [illegible]

[illegible]

[illegible] immondite della medesima

[illegible] della casa [illegible]

immondi[illegible] si fermi l'acqua [illegible]

tutta [illegible] casa [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Giacomo Venerio

[illegible]

con [illegible] si dimanda

[illegible]

[illegible]

Hor viene [illegible] l'ottava, son [illegible] colendissimo [illegible] che
[illegible] nella rete, e [illegible] ch'anch'io [illegible]
à litigare dopo haver solcato il fruttuoso mare de' contratti
a [illegible] [illegible] che sarò come i [illegible], che [illegible] acconciar
le scarpe per gl'altri, e per me non saprò accomodarmi.

Tengo un Credito con l'heredità del q. S. Michel [illegible] già mio
Cugino [illegible] di Monte [illegible] di [illegible] di [illegible]
consideratione, e doppo [illegible] amicabilmente contrattato, siamo
venuti ad giuditio [illegible] [illegible], come [illegible]
V. S. Ill.ma vedere dal processetto, et da [illegible] son chiamato
con [illegible] à Collegio Triumvirale. Cadrà il termine
come apparisce dalla relatione [illegible] in processo sabbato 17.
[illegible] che per esser giorno di Sant'Antonio si riporta al
lunedì 19; onde sono efficacemente à supplicar la benignità
di V. S. Ill.ma à degnarsi d'abbracciar la mia causa, far consapevole
il [illegible] [illegible], con raccomandarmi [illegible]
nelle debite instruttioni, et aiutarmi in aggiunta quando
vedesse particolarmente convenire, [illegible] volendo à servirla.
[illegible] mi sia favorevole, e so ben io quanto potrà giovarmi;
che [illegible] sarà [illegible] quanto si deve. [illegible] in [illegible]
il mio ardire, e creda pure che vivo e viverò sempre

Di V. S. Ill.ma [illegible] 14 [illegible] 165[illegible].

[illegible] [illegible] Servitore
[illegible] Bertucci

[illegible]

[illegible]

[illegible]

[illegible] meneam [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Cancell[illegible]

[illegible]

[illegible]

intendendo acceptationi eiusdem [illegible]

[illegible]

[illegible] Cancellaria [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ac [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible]
[illegible] contra [illegible] [illegible]
[illegible] [illegible] et in [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] cum [illegible]

[illegible] et. [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
cum [illegible]
[illegible]
iavi. Mo:

[illegible]
[illegible]
uno ex [illegible]
[illegible]

[illegible]

Dulmetij coram

[illegible] heredes fuit quondam [illegible] Lucidus
[illegible] cum [illegible]
[illegible]
pro [illegible] [illegible] [illegible]
ibidem litteras [illegible]
Ill.mi et [illegible]
[illegible]
executionem [illegible]
Mag. [illegible]
eas exequi [illegible]

Tenor litterarum [illegible]

[illegible]
[illegible]
[illegible]
[illegible] parti et non [illegible]
quondam Domini [illegible]
[illegible] Dulmetio a [illegible]
contra [illegible], et [illegible]

[illegible] ertuccij, et fratris dicti, et honoris

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] nova ivo, [illegible] [illegible]

et [illegible] in [illegible] forma [illegible]

honoris [illegible]

Die 18. decembr.

[illegible]

[illegible] contra [illegible]

[illegible]

[illegible]

[illegible]
[illegible] mayores [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible] ex [illegible]
[illegible] liber eduxit, eorumdem [illegible]
[illegible]

[illegible]

[illegible]

[illegible] in inventario descripti sunt nonnulli creditores dictae hereditatis [illegible] eorum crediti quid [illegible] ex parte [illegible] comendam [illegible] protestavit [illegible] [illegible] testamenti [illegible] [illegible] legitime eorum cre[illegible]

[illegible]

[illegible] actualis [illegible]

[illegible]

opna
+

1628. 20. Aprile

Accordo seguito tra il Sig.r Giovanni Berlici mio Padre, et il q. Sig.r Michele Fancino del negotio della bottega, havendoli avanzato per Capitale d.ti n.o 1125. del 1624 per d.to et osservanco la casa, bottega, et corso, con obligo di pagare [illegible] d'utile, et affitto d.ti n.o 150. all'anno di mano del d.to S.r Michele, dovendo cominciare sotto 21. Giugno 1627. et così d'anno in anno fino al detto accordo, [illegible] d.ti 1125. che fa — 9455 —

Dall'anno 1627. 21 Giugno fino l'anno 1641. 6. marzo in:
:clusive che remunto d.to Sig.r Michele, come appar suo Bilancione sono anni n.o 13. [illegible] mesi, 8, giorni 13. a d.ti 150 all'anno come sopra importano d.ti n.o 2050. 2 [illegible], che fa — — 12743 [illegible]

Item di sacchi di nostra ragione, come in sua mancanza — 552 —

22253 [illegible]

Item et per alcuni m[illegible] per uso della bottega, per imprestare, come si vederà d'accordo, non essendo stati apprettiati, [illegible] —

1629. 13. marzo.

Il Cons.re (?) S. Mic.le, e di presente suoi eredi, deve per resto di conto fatto, come appar in sua lacchetta distinta di registro per sino detto giorno — — — — — £ 7029

Item per dati dal giorno sud.o sino all'anno 1641. 13. marzo in partite di somme fatte dal d.o S.r Michele n.o 69. appar in sua lacchetta appuntata consegnata à detti eredi — — — £ 9200.13.

1641. 6. marzo

Item per recunsegna fattami di robbe esistenti nella bottega, come nel nominato bilancio — — £ 1742.8.

£ 11014.1

Item li heredi Bauchini per alcuni mobili di casa sua propria havuti à buon conto doppo la morte del sig.r Michele, come saperà dar conto Ant.o Bicinano (?) suo fratello, et Sig.ra Orsola sua moglie — £

Item per alcune partidette di loro regime, scritte doppo pure la sua morte, come sa S. Bicinano — £

Heredi Bauchini dc £ 22253.10
dt £ 11014.1

restano £ 11239.9

salvo sempre errore, et salvo li mobili, et partidette.

Fran.co Bertucci (?)

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

In nome del S.r Iddio et così sia

Havendo il q.m Mag.co D.n Gio. Batta. da ... Manica nella facitura delle divisioni loro rimesse tutte le loro differenze nell'ill.mo ... ... loro commune, et essendo ... dette materia restate ... et terminate mediante ... fra ... ; quel ... fra i ... ... et ... ; et essendo ... et ... del medesimo [illegible] state ... le divisioni di tutte loro beni ... et ... ciascuno di essi assegnata la sua giusta portione

Quindi è ... ... tutte le ... ... mai

più né dall'una né dall'altra [illegible] loro Eredi per

dette alcuna di pur minima

contesa; [illegible] per tutte le ragioni

et [illegible] reciprocamente condonano,

et accordano di restar [illegible]

~~[illegible]~~ come anco so

le divisioni seguite et assegnationi a ciascuno

di loro d'esse fatte, promettendo

alle medesime stare né mai

contravenire, sotto obligatione di loro

Beni in forma.

– Et di più [illegible] detti [illegible]

le Riconoscenti con [illegible] tutte.

Et [illegible] si conviene [illegible] et

obligate [illegible] di [illegible] a rendersi

l'uno all'altro, et l'altro all'

uno per le [illegible] con [illegible]

quietanza, et si [illegible] di mai più

addimandare sotto [illegible]

cosa alcuna anche di straordinario, et continuare a [illegible]
et esseguire in tutti i tempi la sua
sentenza Arbitraria, et qto. in essa viene
ingiunto a ciascuno di essi in qualsiasi
in tutte le sue Parti; essendo
loro ultima volontà che mediante
la medesima, et il presente instrumto.
restino ultimate tutte le loro
mutue contese, et liti, et
stabilita una eterna quiete, et pace tra loro,
~~[illegible]~~ ~~[illegible]~~
~~[illegible]~~, al qual effetto
anco hanno voluto [illegible] a
rinunciare [illegible] prontamente
la manutentione, et [illegible]
di esso, et di qto. di vostra [illegible] contenere
[illegible] et heredi [illegible]
de loro Beni mobili, et stabili
presenti et futuri in ampla
valida forma.

[illegible]

[illegible]

[illegible] at [illegible]

[illegible] quod alijs [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Se havrò scritto di Ristitutione havendo
quattro figli maschi [illegible] uno
[illegible] testam.to
In questo caso che chiegono [illegible]
d'essi [illegible] francesco
[illegible] già anni 20 in
[illegible] che in caso [illegible]
[illegible] assegnare [illegible]
[illegible] egualmente herede [illegible]
[illegible] però che dettratte
[illegible] maggior [illegible]
[illegible]
[illegible] Facoltà di [illegible]
[illegible] delli [illegible] che [illegible]
[illegible] di legge in [illegible] testam.to
Mi è ricercato questa vostra [illegible]
[illegible], et se [illegible]
Rispondo che [illegible]

pare; imperoche l'distinzione di
ragione [illegible]
che aquista il Fig.° [illegible]
aquista al Pre.
Inoltre il Sebast.o non fu mai dal Pre
emancipato; onde gl'aquisti sotto
dal medesimo Pre esser obligati
alla Collatione.
Tanto più [illegible] mi viene detto che
il conto del tempo che lui visse
lontano dal Pre, gl'altri fratelli
ancora col Pre medesimo hanno
[illegible] sue facoltà; onde se
lui ha da partecipare degl'aquisti
[illegible] bene e giusto, et di ragione
che ancor loro facino lo stesso.
Onde concludo che il Petroni non possa
[illegible] dal Fig.° [illegible]
[illegible] coll[illegible]
l'equalità [illegible]
Conte Orlando [illegible]

Ill.mo et Ecc.mo Sig.r Sig.r et Patron mio

Riceuo la gentilezza sua insieme con il [illegible] fatto
li miei fratelli cioè Valentino et [illegible] de quali
me fa molto considerare il auuiso fatto da V.S. et
da fatto [illegible] et [illegible] considerar cosa
alcuna al testamento [illegible] V. S. [illegible]
è pieno le ragioni in [illegible]
dir contra quello cosa alcuna, [illegible]
fatto a nessun modo non lo sento se prima
non ho in carta le pretese di mio fratello Costanzo
de [illegible] con incerte, delle quali anchora non
sapiamo di quello, et noi facemo a [illegible] quello [illegible]
dalli Ecc.mi Sig.ri [illegible] quello giudicato, auanti
che non ho in carta [illegible]
modo non si puol giudicare, facendo di parte mia [illegible]
alla parte contraria, [illegible] impedisco ~~[illegible]~~ alli [illegible]
miei fratelli non [illegible]
ogni [illegible] di felicità

Receuta Adì 26 marzo 1659

D. V. S. Ecc.ma

Aff.mo Ser.re

Giacomo Rossi [illegible]

All'Ill.mo et Ecc.mo Sig.re Sig.re et Patron Col.mo

Il Sig. Conte Alberico della Torre

[illegible]

[illegible]

[illegible]

[illegible] nella Miglior [illegible] [illegible]

già sepolto nel Cimiterio ... et ...
... con le condecenti esequie, et ...
... alla sua ... la sua ...
...
...
...
una honorata conditione, et ...
... Cassiani ... et ...
... Elisa ... Martino ...
... tutto ... che questo ... la
... dell'... la ...
che ... Malatia ... al ...
...
di ... celebrar una ... ...
... li ... ogni ... ...
dendo al ... et ... celebrarà la messa
... al Monaco una ...
... et come pareià ... delli ... alli
suoi ...
... ...
... secondi ... Madama ...
... in casa ... sua ...
...
... conclusione ...
... sua honorata ... et ... queste ...
honoratissima ... et a tutti ... con
... che ... la ...
... con ... come ...

[illegible]

[illegible] della Segretaria [illegible] giorno [illegible]

[illegible] di Monte [illegible]

[illegible]

Item [illegible]

[illegible] tavoletta [illegible]

[illegible]

Item [illegible]

[illegible]

che [illegible] sua [illegible]

delli [illegible] nella sua [illegible]

[illegible]

la Catua, et non intendendo contentare [illegible]

che la Catua [illegible] sua Don[illegible]

[illegible] come della [illegible] Moglie, et [illegible]

[illegible] arrivi [illegible] partita nella [illegible]

[illegible] detto, medico et [illegible]

[illegible]

[illegible]

[illegible] capitali, et naturali, et in [illegible] conditioni predette, [illegible] tutti [illegible] suoi [illegible] [illegible] senza alcuna [illegible] sua volontà [illegible] et [illegible] beni [illegible]

et a nostra detti esser la sua [illegible] ultimo testamento che vole [illegible] di testamento, et [illegible] [illegible] di codicilli [illegible] codicilli [illegible] [illegible] ragione di [illegible] [illegible] [illegible] [illegible] ultimo [illegible]

[illegible] et [illegible] tutti li [illegible] [illegible] [illegible] [illegible] suoi beni, et [illegible] [illegible] [illegible] [illegible] delli suoi [illegible] [illegible]

[illegible]

[illegible]

[illegible] Retractus est actio personalis in rem scripta, et datur semper contra Possessorem Tiraquell. de Retract. [illegible] [illegible] in Cons. [illegible] [illegible] [illegible] [illegible] in Cons. [illegible]

Vnde depositio facta pro minore [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] instantia [illegible] [illegible] proposita [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] et [illegible] a [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible]
et in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] contra [illegible]
[illegible] [illegible] [illegible] et a [illegible]
[illegible] [illegible] [illegible] cum annexis [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] allegare [illegible]
ignorantiam cum [illegible] [illegible] [illegible] statim
[illegible] [illegible] [illegible] [illegible] [illegible]
et iuxta [illegible] [illegible] [illegible]
[illegible] Rubr. qui de Reo in [illegible] [illegible]
[illegible]; nominaverint [illegible] [illegible] in
[illegible], et fecerint contra [illegible] [illegible]
debere [illegible] [illegible] [illegible] 26 Maij
[illegible] in [illegible] [illegible] [illegible] 3
et [illegible] ad [illegible] [illegible] tenebat [illegible]
iuxta formam statuti cuius [illegible] [illegible] [illegible]
et [illegible] [illegible]

[illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

nomine alieno se dixerit potendie
debeat tales dni nominationes in iudicio
facere ante litem contestatam uel seu
contestatam factam cum nominans ante
congruam dilationem attinget ad intimandum
habent litem motam, et ut talis absens
ueniat per se, uel per procuratorem idoneum
ad procedendum in causa, que dicto
fiet data, nominent, uel si data nominent
et absens ut supra nominatus

contra dnum dni et contra ipsum reatum
[illegible] et [illegible] [illegible], [illegible]
[illegible], rexit actio cominet una cum
[illegible]; annullationi propterea debet et
[illegible] licentiam salua tunc actione
[illegible] eius [illegible] contra [illegible]
quod [illegible]
[illegible] [illegible] paratus est exercere
et [illegible] quod [illegible] [illegible]
[illegible] [illegible]

Illma Curia Patrialis [illegible] [illegible] Excellentiss.[illegible] sequestri et [illegible] Smith[illegible] [illegible] [illegible]

[illegible]

Anno [illegible] [illegible] parte dicte [illegible] mandatum [illegible] dicte [illegible] quod [illegible] et ~~sequestrum~~ [illegible] [illegible] [illegible] [illegible] [illegible]

quibus omnes [illegible] [illegible] [illegible] [illegible] Patrialibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Smith[illegible] [illegible] [illegible] [illegible] quod sequestrum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad videndum [illegible] [illegible] [illegible] et Potestates [illegible] [illegible] [illegible] [illegible] Patriales [illegible] nec quidquam [illegible] [illegible] [illegible] [illegible] ex quibus sequestratis [illegible] [illegible] [illegible] [illegible] Patrialis se opposuit, dicens [illegible] [illegible] [illegible] ad [illegible] Patriale [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] modo est videndum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Potestates [illegible] [illegible] [illegible] an [illegible] [illegible] [illegible] admiserint quibus [illegible] [illegible] [illegible]

[illegible] hoc autem indagine [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ ~~[illegible]~~ [illegible] [illegible] [illegible] anno [illegible] [illegible] Potestati illius temporis quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] plures Not.^rii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] modo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

cum gravitaminis [illegible] et minutenus [illegible]

quo [illegible] [illegible] ad [illegible] eius [illegible] [illegible]

quo sit, et [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] ac [illegible] eo quod [illegible] [illegible] [illegible]

tempore [illegible] ad [illegible] [illegible] [illegible] [illegible] debet

[illegible]

[illegible]

eg. in [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

sequestra [illegible] ut [illegible] ex [illegible] [illegible]

[illegible] [illegible] nec [illegible]

Et in ceteris [illegible] [illegible] a Principio Potestas [illegible]

ville sequestrum [illegible] asserat in Fonte [illegible] utique annuati

[illegible] quos [illegible] [illegible] [illegible] Consilium nova Potestatum [illegible]

notificabat, qui omnes [illegible] [illegible] in Collegium [illegible]

estimatores [illegible] [illegible] [illegible] [illegible] ad [illegible]

Rationem veniret [illegible] [illegible] nova [illegible] et [illegible]

[illegible] aliis [illegible]

~~[illegible]~~

[illegible] ac ~~[illegible]~~ Cognitionem [illegible] [illegible] [illegible]

[illegible] [illegible] Potestatibus dicte Ville, et ac [illegible]

aliud videat quasi [illegible] Ambas Confirmationes

[illegible] [illegible] sequestratam, et eas [illegible]

et viderit, quod in [illegible] [illegible] integros

[illegible] in [illegible] cetera autem [illegible] fere omnia [illegible]

[illegible]

De redditione rationis [illegible] [illegible] quod [illegible]

[illegible] annuati [illegible] addito [illegible] Potestas [illegible] [illegible]

[illegible] et [illegible] Potestas [illegible] [illegible]

[illegible] [illegible] [illegible] ipsum, et [illegible] in [illegible]

notificabat: [illegible] ille Potestas [illegible] aliam [illegible]

iste [illegible] aiebat, et tandem inter se adeo [illegible]

ut nec in minimo [illegible] Concordaret ex qua [illegible]

et Contrar[illegible]. resultat clara [illegible] indecentia[illegible], et plurima [illegible] quod [illegible] in confinibus locis [illegible] [illegible] recollecta [illegible] aut [illegible] ad effectum [illegible] Possessores, et [illegible] ut ita [illegible] [illegible] fecit [illegible] in [illegible] [illegible] [illegible] reddendae

Accedat quod in aliis locis et [illegible] ac Mannis [illegible] [illegible], et [illegible] s. Antonij [illegible] [illegible] Possessores [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sequestrum necessario [illegible] [illegible] [illegible] [illegible] cognoscebat, [illegible] [illegible] fecit quod ei libuit

[illegible] tandem quod Possessor [illegible] in Franche [illegible] reddiderat [illegible] [illegible] modo, Possessor aut [illegible] alio; [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fatebatur extare, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Possessores aliquando [illegible] [illegible] [illegible] [illegible] [illegible] ex quibus [illegible] [illegible] [illegible] extat [illegible] inde ac [illegible] [illegible] uti indecentes debent damnari saltem pro [illegible], quae [illegible] [illegible] falso [illegible], [illegible] [illegible] [illegible] ut ex [illegible] [illegible] [illegible] rationem redditarum [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod se [illegible] Possessores [illegible] [illegible] in Praeteritis in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] indecentiae [illegible] Postea [illegible] [illegible] [illegible] [illegible] [illegible] eodem modo, et formam quae adhuc [illegible] aliquibus in locis [illegible] ex [illegible] excogitans [illegible]

[illegible] de mandato quatenus [illegible] [illegible] [illegible]
[illegible] mittet; [illegible] eius redditionis rationis ad [illegible]
et qui [illegible] [illegible] adimuerit [illegible] alias manu [illegible]
[illegible] [illegible] ex quo certa [illegible] [illegible] [illegible] [illegible]
[illegible] veritate [illegible] [illegible] dixerat ~~ad~~ cum [illegible] [illegible]
et [illegible] [illegible] [illegible] ita [illegible] cur [illegible] [illegible] facere?
[illegible] in [illegible] [illegible] est [illegible] [illegible], cui est [illegible]
~~[illegible]~~ alias [illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad ex [illegible] Potestatis evadant
[illegible] [illegible]; Ubi autem [illegible] cum [illegible] [illegible]
[illegible] studebunt veritatem dicere, et mandatis [illegible]
[illegible].
[illegible] autem Potestates in termino [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. Bene [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Principis ~~[illegible]~~ 1598 13 maij qua [illegible] quod
Potestates [illegible] [illegible] in termino [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad denuntiandum Violatores sequestrum
[illegible] adeo quia [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible] providere
[illegible] tenentur Potestates [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] statim debet idem [illegible] 5°
[illegible] in casu [illegible] tenentur denuntiare [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] tenentur denuntiare [illegible]
[illegible] [illegible] [illegible], ut [illegible] [illegible] [illegible] ad [illegible]
[illegible] quod in [illegible] [illegible] [illegible] Potestatis: [illegible] [illegible]
[illegible] [illegible] bene [illegible] male [illegible]
qui [illegible], quos [illegible] [illegible] Potestatis [illegible] [illegible] [illegible]
[illegible]; [illegible] autem quod ad attestationes quod [illegible] [illegible] in
[illegible] [illegible] [illegible], et ita [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] divent [illegible] inobedientes [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

obtinere possent militare applicationis [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] ad interlocutoriis [illegible]

possint separari a definitiva [illegible]

[illegible] [illegible] [illegible] appellari [illegible]

nec ~~tôe~~ in ordine nec in [illegible]

[illegible] [illegible] [illegible] dat appellationi [illegible]

[illegible] possint separari a definitiva [illegible]

in [illegible] [illegible] [illegible] quo [illegible] [illegible]

[illegible] quo tantum [illegible] [illegible]

[illegible] ad [illegible] in [illegible] decretum [illegible]

~~[illegible]~~ ad ordinem [illegible] [illegible]

[illegible] habet separari a definitiva [illegible]

[illegible] [illegible] [illegible] unde ab eo [illegible]

[illegible] dispositione.

Hoc autem [illegible], eo quia decretum [illegible]

[illegible] est ne [illegible] [illegible] [illegible]

ad [illegible] ~~[illegible]~~ agnoscendas [illegible]

[illegible] [illegible] ad [illegible] [illegible]

quoniam hoc [illegible] [illegible] fuere [illegible]

[illegible] autem [illegible] [illegible]

Canonicas [illegible], et [illegible] [illegible]

~~[illegible]~~

Propterea debet annullari [illegible] appellationis [illegible] et

[illegible] [illegible] decretum [illegible]

[illegible]

[illegible]

[illegible] administrationis, nominis illuminant, [illegible]
[illegible] secundo [illegible], [illegible]
[illegible] exigendo [illegible]
[illegible]
[illegible], nec [illegible]
[illegible] impugnando

[illegible] ad Universitatem [illegible] nec [illegible]
[illegible] nec [illegible] tamen [illegible] dedimus [illegible]
[illegible] Chartas [illegible] tatis [illegible]

[illegible] officij, ne [illegible] potestate, sed tenendi [illegible]
[illegible] Comitte [illegible]
[illegible] salute [illegible] quia accidit [illegible]
[illegible] Rassfe [illegible]
[illegible] illius [illegible]

[illegible] ad [illegible]
[illegible]
[illegible] singularis illius Universitatis; et propterea omni [illegible]
[illegible]
[illegible] Cancellarius [illegible] de [illegible]

[illegible] dicit [illegible] collatio

Criminale [illegible] [illegible] quod [illegible] [illegible]
~~[illegible]~~ ad [illegible] [illegible] [illegible]
a [illegible] [illegible] [illegible] [illegible] criminale [illegible]
[illegible] ac [illegible] [illegible]
in [illegible] [illegible] [illegible] nec [illegible] materia
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] ad de coercendo [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] unde [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] criminali
[illegible] [illegible] et [illegible] [illegible] [illegible]
institutio, atque instrumentum

A quia, et in primordio, et in progressu indicij [illegible]
et [illegible] est [illegible]; unde [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].

traditur enim ut dicit Franciscus in . . .
. . . pos . . . promittit habere vacuam, et liberam
possessionem . . . vendidit Dominus Bartolomeus in contractu
. . . Liberatis . . . continetur . . .
tenetur ad actualem traditionem, alias . . .
illa verba tra . . . vacuam, et liberam possessionem
evaderent superflua, et inutilia, quod dici non
debet, idem tradit . . . cons. . . . in . . .
Bartolus lib. p° et Carol. Rum. Cons. . . .
. . . quibus verbis, et . . . firmatur
obligatio dicti Bartolomei habendi actualem . . .
Domino Monasterio

Hac tamen . . . quatenus . . . dicta
esset valida . . . nec fuit nec est, nec esse
. . . quia . . . et . . .
Pastor . . . irritat, et nullas declarat, tum quia
Dominus Bartolomeus vendidit Bona . . . ; . . .
vi . . . nulliter, et invaliditer

Quod autem . . . irriter . . .
Dominum . . . apparet ex Muestra . . .
ult° loco presentata, quod Bona inalienata a
Dominus . . . et vendita sunt de
Iuribus M.me . . . Pastoralis, Fuerunt . . .
et alienata, ac . . . Monasterio translata . . .
licentia M. et R.mi Pastoris, que est de substantia
dicti Contractus, et . . .
. . . incluso . . .
. . . per . . . quod de . . .
. . . dicto . . . et . . .
. . . in eo . . .

Nec dicas quod dixe non fuit venditio sed cessio [illegible]
quae competebant dno Bartolo[illegible] [illegible] [illegible] bona [illegible]
quod non sit contractus compraventionis [illegible]
quia respondeo [illegible] imo fuit venditio et [illegible]
cognoscitur ea [illegible] [illegible] a quibus non est
recedendum [illegible] Fraiser [illegible] de oper. nov. nunt. [illegible]
[illegible] ex tacita conventione lege aliquant [illegible]
cod. commodat., et licet fuisset contractus cessionis,
tn adhuc contrahentes in dicto statuto [illegible] quia
iura dni Bartolini erant dicta bona, ut asserit in
contractu [illegible] Accurs., [illegible] quibus [illegible] [illegible] et
legitur in [illegible] deliberationis [illegible], et [illegible]
adeptus [illegible] Bartolinus; unde licet dnus Bartolinus
[illegible] [illegible] [illegible] [illegible] erant [illegible]
bona [illegible] non bona [illegible] a quibus [illegible] ex
possessione [illegible], [illegible] ad [illegible] fuit [illegible] [illegible] ex
[illegible] contractus caderet licet esset cessionis [illegible]
non est, cum imo sit venditionis [illegible] [illegible]
in [illegible] [illegible] [illegible]

Quod vero dnus Bartolinus vendiderit [illegible] [illegible]
bona aliena, non aut sua, [illegible] [illegible] [illegible]
eius maiorum in quo legitur [illegible] [illegible] mansum
venationis a [illegible] Andreae licet in [illegible]
veritate esset [illegible] [illegible], [illegible] [illegible]
investitura [illegible] [illegible] non

sed consortibus [illegible] tradunt bona [illegible] [illegible]
cum onere, de quo in dicta investitura [illegible] [illegible]
constet consortes Andreae [illegible] [illegible] mansi non
suum, imo mansum consortium [illegible] [illegible] de quibus [illegible] [illegible]
fuit tunc temporis [illegible] [illegible] [illegible] de [illegible]
[illegible]; et [illegible] [illegible] [illegible] [illegible] [illegible]

P[illegible] [illegible]

[illegible]artinus [illegible]

Natalis [illegible] Philippus
qui intravit [illegible]

[illegible]

Casus est [illegible] [illegible] ius competere Philippo [illegible] [illegible] [illegible] a Natali [illegible] Agnetis, [illegible] [illegible] [illegible]ribus, ob qua [illegible] in instrumento 1620 [illegible] [illegible] non potest [illegible] Reus [illegible] excipere contra [illegible] [illegible], [illegible] [illegible] est [illegible] id facere [illegible] [illegible] [illegible] dixerit quod in facto, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cum [illegible] Antonij et sic [illegible] ut legitur in positione producta die 3 Martij [illegible] [illegible] [illegible] quod fuit [illegible] ab Ill.mo D. [illegible] sub [illegible] die [illegible] [illegible] ac [illegible] [illegible] [illegible] cum iuramento [illegible] [illegible] [illegible] Ill.mo quibus [illegible] [illegible] Petrus de Agnetis et Vicinis, et [illegible] [illegible] ab [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] pro Philippo [illegible] in [illegible] instantia [illegible] [illegible] [illegible].

Nec obstat, si forsan dicitur in [illegible] a [illegible] [illegible]ribus, si non [illegible] campum [illegible] à Natali, [illegible] [illegible], ut legitur in instrumento [illegible], [illegible] non competere ius [illegible] [illegible] [illegible] [illegible] Traquel. [illegible] in suo tract. Retractus §§ XXX

Glos. p.a num. 2. [illegible] Cot nam [illegible] ~~est~~ appareat [illegible], clara et distincta ex sequentibus.

Primo in [illegible] [illegible] 1629. [illegible] Martij fol. 4 [illegible] [illegible] [illegible] ~~[illegible]~~ verba.

Natalis q. [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] vendidit et permutavit
[illegible] [illegible] Nicolao [illegible].

quae verba important venditionem, sed autem permutationem ut forsan [illegible] [illegible] nam [illegible] [illegible] [illegible] [illegible], [illegible] contractum [illegible] [illegible] [illegible], quem permutationem et ~~[illegible]~~ [illegible] nominaverunt. [illegible] primo nominant [illegible] et [illegible] [illegible] est venditio [illegible] [illegible] permutatio, sed enim erat opus dicere quod Natalis [illegible] vendebat, [illegible] [illegible] permutabat, ~~[illegible]~~ et sufficiebat [illegible] [illegible] permutabat. [illegible] [illegible] [illegible] vendere, et [illegible] [illegible] [illegible] [illegible] [illegible] verba, cedit et vendidit. [illegible] [illegible] [illegible] [illegible] [illegible] 30 [illegible] [illegible] num. 7 [illegible] [illegible] 642.

Secundo. Verbum Permutavit, adiunctum in [illegible] [illegible] fuit additum in [illegible] [illegible]. Nicolai, qui simulata permutatione [illegible] excludere [illegible] [illegible] [illegible] [illegible], sed [illegible] aliqua [illegible], aut [illegible] permutatio [illegible] [illegible]. [illegible] ad oculum de simulatione et permutationis
quia ipse [illegible]
nam. [illegible] [illegible] in [illegible] 64. [illegible] autem [illegible] [illegible] [illegible] [illegible] Natali in permutationem declaratur [illegible] [illegible] [illegible] 17. et [illegible] [illegible] [illegible] in [illegible] [illegible] 40 — 5. ~~[illegible] [illegible]~~ ~~[illegible]~~ [illegible] [illegible] in [illegible] [illegible] et in [illegible] [illegible] [illegible] citatis.

[illegible] [illegible] [illegible] indubitata [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible], [illegible] [illegible] [illegible] [illegible], ~~[illegible] [illegible]~~, [illegible] [illegible] [illegible]

speciei utique commutationis esse usurariae, non autem permutationis contractum hunc
esse, licet Villicus imperitus et Rusticorum more [illegible] vocabulum ignorans, [illegible]
permutationis [illegible] permutationis quod etiam dicere [illegible] [illegible] voluit in
gratiam [illegible] simplicibus Viri sapientissimi ~~ad [illegible]~~ alias
aut alio modo emisse [illegible] intendentes, contractum metuens, [illegible] [illegible]
eiusdem [illegible], ut supra, ~~itaque~~ huius conclusio est alia vera, ut [illegible]
Tiraq. nominet. ~~dicens eodem [illegible] 30 [illegible] [illegible]~~ [illegible]
~~[illegible]~~ [illegible] [illegible] tractando casu: nam quando [illegible] quaeritur, [illegible] principaliter
~~[illegible]~~ [illegible], [illegible] ut [illegible] [illegible] inspici debent natura et [illegible] [illegible]
actus qui geritur, quam nomen ~~ab~~ a [illegible] ~~[illegible]~~ ipsi actui attributum
idemque Tiraq. eodem loco [illegible] est in [illegible] 30 [illegible] num. 11. [illegible] [illegible] [illegible]
643. in [illegible] Praefatae ~~[illegible]~~ permutationis dicit haec verba.

Cum enim [illegible] [illegible] [illegible], petitum [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] non autem
[illegible], atque ita [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
cum agitur de [illegible] [illegible] potius inspicitur
natura et effectus actus, quam nomen ab
[illegible] [illegible] actui attributum

Et sequitur ~~[illegible]~~ num. 12.

Et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] 12.

Et in fine dicti numeri 12 magis [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~
~~[illegible] [illegible] [illegible]~~ quod [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible], [illegible], [illegible]
[illegible] [illegible], [illegible] pecunia [illegible] [illegible] [illegible] ~~permutationem~~ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], quod [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] contractum ~~[illegible]~~ [illegible] [illegible] autem permutationis
[illegible] [illegible] [illegible] [illegible] pecuniam [illegible] [illegible], cum ~~[illegible]~~

[illegible] [illegible] [illegible]

[illegible] fuerint numerati [illegible] 96 [illegible] et [illegible] dicta terra [illegible] [illegible] quem [illegible] 17 [illegible]

Tamen ut [illegible] dominus meus [illegible], et [illegible] tangat [illegible] nomine [illegible] fictitie [illegible] et simulate [illegible] [illegible] in fraudem, ac in [illegible] [illegible] [illegible] aut fuerit facta [illegible] [illegible], considero. quod in fine [illegible] [illegible] [illegible] haec verba.

Et quoniam [illegible] terra [illegible] est [illegible] summa quam [illegible] [illegible] 1572 [illegible] fuit coram [illegible] et me notario [illegible] et [illegible] a [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. 5.

Sed [illegible] est prout est [illegible] quod [illegible] naturalis [illegible] [illegible] [illegible] a [illegible] [illegible] [illegible], [illegible] [illegible] [illegible], quando [illegible] quod voluerit [illegible] [illegible], [illegible] enim [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible], prout [illegible] voluerit [illegible] [illegible] a [illegible], [illegible] [illegible] [illegible], [illegible], [illegible] [illegible] et [illegible] [illegible], et [illegible] [illegible] illud [illegible] in fraudem [illegible] [illegible] [illegible] ad [illegible] Philippum [illegible] [illegible].

[illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible] dicti [illegible] quod ad [illegible]

[illegible] Venetijs [illegible] Maffeus Vallis [illegible]

[illegible]

~~[illegible]~~

[illegible] Barbon [illegible]

[illegible]

[illegible]

[illegible] ... ab anno 1670 [illegible] ...

[illegible]

Inde [illegible] ... [illegible] acceptis [illegible] ... donec venirent [illegible] ...

[illegible]

~~[illegible]~~ affirmans [illegible] ...

[illegible] ...

Hic igitur videndum est an [illegible] ...

[illegible] Rattijs affirmans [illegible] ...

[illegible]

ff de acquir. poss. [illegible]

[illegible] manti [illegible] ultimo [illegible]

[illegible] iterant [illegible] tertio [illegible] [illegible]

[illegible] diis Bonis, [illegible] sed alienis [illegible], [illegible]

[illegible] [illegible] [illegible]

[illegible] tenent [illegible].

[illegible] et [illegible] [illegible] [illegible] maiores [illegible]
Maffei Batti, et [illegible] [illegible] [illegible], alienare, et
[illegible] [illegible] [illegible] [illegible] [illegible], [illegible]
Arbitraria [illegible] [illegible] anno 1636; [illegible]
[illegible] [illegible] moderatum [illegible]

Nec Res [illegible] alios [illegible] [illegible] [illegible].

Sed video [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] Batti [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible].

[illegible] [illegible]

[illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

Sed video [illegible] [illegible] [illegible] integere [illegible]

[illegible] [illegible] Arbitraria [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] nullus quo ad eos, [illegible] eadem [illegible] [illegible]

nec [illegible] ratificaverint; Unde [illegible] respondere [illegible]

[illegible] [illegible]

Dicendum, quod [illegible] Arbitraria [illegible] tenet, [illegible] [illegible]

[illegible] [illegible], et alijs [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible]: [illegible] [illegible] ad alios

[illegible] [illegible] Maffeus Battus [illegible] [illegible] [illegible]

Et mediante [illegible]

[illegible]

Dictum Brunum [illegible] Possessim ad [illegible]

[illegible] [illegible] trames [illegible] [illegible]

[illegible]

[illegible] exactiorum [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] exact [illegible]

[illegible]

[illegible]

[illegible]

ex [illegible] [illegible] [illegible]

[illegible] quibus [illegible]

[illegible]

[illegible]

[illegible]

58 60, et 75

[illegible] Maine [illegible]

exigunt pro [illegible] ab eo ad [illegible]

[illegible]

[illegible]

[illegible] quit [illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible] unde [illegible]
[illegible] dicendo quod
[illegible]
[illegible]
[illegible]
[illegible] Hypothesim [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] acquireret, adimendi [illegible]
[illegible]
[illegible] quod [illegible]
[illegible]
[illegible]
[illegible] alienandi [illegible]
ut habet [illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
debet [illegible]
[illegible]

[illegible] [illegible] atti dell'Eredità del q. [illegible] Cod. [illegible]

co' [illegible] nella [illegible] stabili [illegible]

della [illegible] la metà del neg. che [illegible]

co' [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] della [illegible] et

dei [illegible]; [illegible] domanno [illegible] [illegible] in nota dalli

S.ri [illegible] et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] informazioni tanto [illegible] dell'uno che dell'altro

Si [illegible] [illegible] da [illegible] eredità dalli [illegible], [illegible]

et legati [illegible] somma che da' [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] accordo [illegible] ad arbitrio [illegible]

[illegible] [illegible] S.r Lorenzo, et Cod. come [illegible] [illegible] parerà per [illegible] fine

Volendo [illegible] [illegible] di [illegible]

[illegible] q.to [illegible] [illegible] [illegible] stabili

come di [illegible], [illegible] [illegible] [illegible]

et ogni [illegible] [illegible] acciò si veda chi [illegible]

[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]

[illegible]; [illegible] [illegible] il S.r [illegible] [illegible] [illegible]

Et in resto q.to alle [illegible] [illegible] [illegible] [illegible]

et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] nei [illegible] [illegible]

[illegible] potrà in [illegible] [illegible] [illegible] [illegible]

(left margin:) altrettanto q.to [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] del S.r Lorenzo [illegible] [illegible]

Che li S.ri Roncio et Rodolfo siano tenuti renders[i]
conto a uno all'altro de' [illegible] riscossi [illegible]
rag.e dell'heredità, et siano [illegible]
nella portione d'ciascuno d'essi come
[illegible], et parti sufficienti [illegible]
Primi il S.r Lorenzo che il S.r Roncio [illegible] fornitte
et data la casa dell'heredità [illegible]
[illegible] aquistata [illegible]
nelle [illegible] [illegible]
[illegible]
d'[illegible], et [illegible] [illegible] come [illegible]
[illegible]

Primi medesimamente che [illegible]
[illegible]
[illegible] che [illegible] anco
[illegible] et che [illegible] mana [illegible]
[illegible]
[illegible] et siano [illegible]
[illegible] generale del medesimo
[illegible] al tempo della morte
[illegible]
[illegible] contentata nell' [illegible]
[illegible] tempo [illegible]
[illegible]

Come anche se intende che li miei figlioli donasi
Biave, o Vini li nostri, et frutti, et [illegible]
[illegible] [illegible] [illegible]

Come pure li [illegible] anno dal [illegible] fin [illegible] delle
[illegible], et [illegible]

[illegible] all'Argentaria che [illegible] pagat [illegible]
[illegible] Ponci, et [illegible]
[illegible] che le ha [illegible] [illegible]
[illegible] [illegible]

[illegible] anno che ne [illegible] dal [illegible] [illegible]
[illegible] Biave 1644. et 1645, [illegible]
[illegible] Pancho [illegible]
[illegible] l'altra [illegible]
[illegible] [illegible]
[illegible] anno [illegible] dal Padre alla [illegible] madre
Bradam[illegible] mia consorte, et [illegible]
[illegible] stesso dalla Persona a cui aspettava
et se n'è [illegible] et [illegible]
[illegible] [illegible] Bland. [illegible]
[illegible] delle anno nel [illegible] manco [illegible]
[illegible] che no eran [illegible] a [illegible]
[illegible] [illegible] [illegible]
[illegible] che à [illegible] [illegible]
[illegible] Stati hanno [illegible]
[illegible]

Fatti seguiti a carico [illegible]

[illegible] Lano [illegible]

[illegible] come aquistati da madamigella

[illegible] et dai [illegible]

[illegible]

[illegible] degl' [illegible] madamigella

[illegible] come [illegible]

[illegible] marito et in conseguenza [illegible]

[illegible]

cader debito in [illegible]

Volendo [illegible] come [illegible]

[illegible] rendere [illegible]

d'avantaggio [illegible] ragioni [illegible] non [illegible]

[illegible]

[illegible]

[illegible] come [illegible]

[illegible]

madamigella

[illegible] et fatte le deduzioni

[illegible]

[illegible] in casa di madamigella [illegible]

[illegible] Patronia [illegible]

[illegible] in conseguenza donato al [illegible]

Ne di igitur, et gravamini ni canones incutiant adversarius quia audiuntur, et afflictibus de ipsis commemorantibus laborans, ad
parum ~~[illegible]~~ laudabilia se applicat, et quod ~~[illegible]~~
illos molestat, ac validius molestari velle profitetur, qui sui
benefactoris ~~[illegible]~~ ~~[illegible]~~ iam affligendo, ipsum
ad gratitudinem a se practicandam, ad autem ~~ipsa~~ ipsos
affligendum excitant excitatosque stimulant.

Quaesitum ergo de indubitabili, et quaestio ~~[illegible]~~ in sui
ipsius ~~[illegible]~~ adfere resolutionem dubii (si quod est) ~~[illegible]~~
nihil addere potest. quod negatur, non enim debet adversarius
in vim dispositionis a canone concilii talem petere, quibus concil. ipsum
sit inapplicabile, ut iam occurrit. illud enim disponit super facto
initiando et quod est in fieri, ~~[illegible]~~ nunc autem subiecta materia
~~[illegible]~~ ~~[illegible]~~ terminat in actu consummato ~~[illegible]~~ et completo, ex legali
legitima causa suspendendo, [illegible] instantia sine datio quaevis iudex
[illegible], cum non de tollendo, sed in suspenso tenendo, quae ratio ~~[illegible]~~
~~[illegible]~~ dictat, ~~[illegible]~~ et non contulit, hoc accedunt
quandam. quod ~~[illegible]~~ canon ~~[illegible]~~ et eius dispositio terminat in
expressis et inclusis in ipso, non autem refertur ad alia non
2 cogitata, quod esset absurdum dicere ridiculum.

Concessis suppositionibus, iam ~~[illegible]~~ dicis de mihi omnium de beneficiis (canone, resignatio [illegible] ~~[illegible]~~ [illegible], sed constito quod
resignari vel non ~~[illegible]~~ ~~[illegible]~~ alienare
minime commode potest, sed etiam Patrimonium
aut pensionem ~~[illegible]~~ alienari, extingui aut remitti
~~[illegible]~~ [illegible] donec beneficium Ecclesiasticum non sufficiens
tales sint [illegible], vel aliunde habeant unde vivant.
sit in casu practicata, ad igitur de resignare, ad [illegible]

constitutio patrimonii est quid gratiosum unde gratiosi in dispensatione et tamen [illegible] [illegible] intitulatus pro [illegible] [illegible] applicandi

---

patrimonio a [illegible] [illegible] de [illegible] [illegible], sed [illegible] [illegible] duntaxat temporaneo patrimonii solutione [illegible], ex causa legitima, quia legitime Patrimoniatus habet unde commode vivat, [illegible] [illegible] includit omnimode effectum finis, propter quem concilium [illegible] ut legitima [illegible] in [illegible] difficultatis [illegible] discussione attigimus, [illegible], et [illegible] [illegible] [illegible] ille [illegible] [illegible] [illegible] tempore, [illegible] [illegible] Concilium

dato casu in quo patrimonium [illegible] habeat unde [illegible] vivat est [illegible] singularis in [illegible] [illegible] de [illegible]. Barbosa de officio et potestate Episcopi par. 2 alleg. 19 [illegible] num. 40 [illegible] [illegible] [illegible] in statu suo [illegible] [illegible] unde commode vivat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] machinatis [illegible] [illegible] [illegible] dispositionis [illegible] [illegible], et [illegible] [illegible], qua [illegible] [illegible], [illegible] [illegible] [illegible] motum exclamat, quam [illegible], [illegible] est, illum [illegible] [illegible] positum, et a monstroso hoc tentativo [illegible] [illegible] [illegible] ille [illegible] [illegible] pro illo [illegible] [illegible] Fundamenta Oratorij [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] quod concilium [illegible] de officiato, [illegible], et [illegible] [illegible] permanentes, continua, et [illegible] titulum [illegible] [illegible]

Vicariam et officiaturam temporaneam ad nutum [illegible] [illegible] respondetur, hoc [illegible] officium [illegible] oratorij [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] petenti [illegible] [illegible] [illegible] [illegible]

praetenu hoc modo Contributionis, cum ad hoc in casu ...
Subditis ut Salinae ... Patrimonij constitutio quid
quoad gratiosum ante factum, et quid obligatorium post factum, sed
favores sunt amplianda, contraria vero restringenda
juxta legem et ... regulae et maxime cum Oratorium 12
declaravit et declarat nec impugnari Constitutionem nec contri
buitionem patrimonij, sed procedere uti beneficio
ex competenti ratione quod diu fuit immunis
... contributione Oratorium persistit, et hic per
separationem ... et eo dictius, quod ubi quo ipse Hierony
mus in communitate qua separatus, extitit, continuandumque cum
longo ac longissimo tempore benedicat D. O. M. ... Opt. Max. ...
separationem etiam supra ... Providentia gravamen ... quia
et quieti donavit, prout solatium ... etiam admirationem fragi
Virium ... cortius ... conditur et spectatur.

Tandem, quia altius considerans ... posse Pictoribus in Societatis
... qualificatis ... possit scriptos
ordinis ... patrimoniantibus

Tandem quia altius considerans Musicis, Pictoribus ...
libus ... Patrimonium ... possit scriptos ordi
nis ... rationabiliter ...
et sic ... dicti Patrimonij, ...
meliorque contributionem ... posse ...
quibus locis ... [illegible] ... causa quasi ...
ignificari ... rationem ... dicti, ... concludere
... [illegible] ... Purificare totaliter
... et sic ... formaliter stabilire pro incommodis et

et inalterabilibus. ~~[illegible]~~ Existimo [illegible] [illegible]

~~[illegible]~~ id non posse fieri quod dixi, ~~[illegible]~~ ratione [illegible]

~~[illegible]~~ offerat ~~[illegible]~~

ita [illegible] non otiose, cum hoc antecedens trahat ~~[illegible]~~

~~[illegible]~~

~~[illegible]~~ [illegible] ~~[illegible]~~

virtutum [illegible] RATIONEM, illi Anima ~~[illegible]~~

Legis, a lege [illegible] abiret, ~~[illegible]~~ illi [illegible] ipsius ~~[illegible]~~

ita ut ff quando de ea [illegible], debent magis attendi quod

l. [illegible] Cod. de legib., ~~[illegible]~~ et illa notabili

imo notabilissima in ~~[illegible]~~ facti [illegible] examinanda

et [illegible] ~~[illegible]~~ definit ex hac

[illegible] legem trahi, et trahi posse ad alium casum, non comprehensum

in VERBIS, SED IN RATIONE. [illegible] ut [illegible] l. ad [illegible]

ff quod ff de [illegible]. l. militis Agra circa

de re militari ~~[illegible]~~ licet offendi [illegible]

[illegible] ~~[illegible]~~ ff. l. [illegible]

ff [illegible] ~~[illegible]~~ [illegible] et l. scire oportet. [illegible] ff de

~~[illegible]~~ [illegible] unde offertur [illegible] trahi tamen

ad habitationem rationis, [illegible] ut l.

in [illegible], ff. [illegible] ff de legat. ii. et l. nomine [illegible] fin.

ff de legat. iii. [illegible] etiam [illegible]

~~[illegible]~~ Angeli [illegible] in [illegible] ~~[illegible]~~

[illegible] [illegible] [illegible] in dubio, [illegible]

[illegible], [illegible] ~~[illegible]~~

[illegible] proportione quod ubi [illegible] ratio [illegible]

[illegible] l. [illegible] autem [illegible] in glos. [illegible]

de facti [illegible] attendenda [illegible] ratio [illegible]

~~[illegible]~~ [illegible] RATIO [illegible]

Marginalia (left): quod [illegible] / [illegible] / [illegible] / hoc [illegible] / [illegible] / [illegible] verba [illegible] / [illegible] / 5 / ff [illegible] / [illegible] ff / legat

Armannus cupiens in [illegible] sortem adscribi, [illegible] sibi vinculatum

in [illegible] quod [illegible] Gasparum, orat ne tandem

Pictura [illegible] Armannus [illegible], Gasparum [illegible]

sorti [illegible] [illegible]

[illegible] Gasparum fortunae [illegible] Esmith pro-

[illegible] [illegible] [illegible] requirit,

constitutioni patrimonii [illegible] de suo ad [illegible]

ordines [illegible].

Hic, Amici, et Armannia [illegible],

[illegible] operi manus auxiliatrices [illegible]

di suo proposito, et sic [illegible] Armanno petitum

patrimonium, [illegible] constituit,

[illegible].

futuri sacerdotii [illegible] Armannus gradatim

[illegible] ordinatur, ac [illegible]

in Sacerdotium ad [illegible] Amici, [illegible] tali modo

[illegible] non omnem illa

debilitat [illegible] Pictorum celebrem, [illegible]

Gasparo [illegible] in commemorando Armanni ad promittendum

[illegible] patrimonii [illegible] gaudens [illegible] de suo [illegible] constituti

[illegible] etiam minima [illegible]

[illegible]

[illegible] Dei [illegible] spiritu [illegible]

[illegible] intra quod tempus Armannus [illegible]

Defuncto Gasparo, [illegible] in quantitate [illegible]

[illegible] [illegible]

ad Petitum

Negant [illegible] in [illegible] Picturam [illegible]

Physatis Ducatus [illegible] constituit

citem quidemnis redditus [illegible] Ducatus [illegible] ne [illegible] ut redditibus Praestationaria [illegible] legitimi [illegible], ne tamen

[illegible] [illegible] illum [illegible] Altaris [illegible]

[illegible] quantum sufficit [illegible]

Praesentati [illegible] substitutionum, illi de dicto Patrimonio constituto ducatos

[illegible] [illegible] [illegible] satis [illegible] oblatae

[illegible] [illegible] ipso [illegible]

continuando et [illegible] in bona [illegible] constitutione

Patrimonii [illegible].

Verum quaeritur in hoc conflictu quae iustitia inducat [illegible].

[illegible] in quo [illegible], modo oblationem [illegible] redimentur

ad [illegible] indubitabili [illegible] [illegible] expedita

[illegible] [illegible] [illegible] [illegible]

[illegible] nominibus [illegible]

[illegible] [illegible] [illegible] [illegible] addito [illegible]

[illegible] suppositus [illegible] in [illegible] sit [illegible]

[illegible] praetensa [illegible]

indubitabili [illegible] ratio quia [illegible] quaeritur [illegible]

constituendi [illegible] constituto Patrimonio

suppositus [illegible] narrantis pro [illegible]

[illegible] Hermanni [illegible]

[illegible] [illegible]

et petitis extremi [illegible] contra [illegible] in propositis

Praeterea nullo iuris Valido fundamento [illegible] Gasparis, sed

quae praetendere nulli videtur [illegible] iuri, an iustitia retributi.

monere [illegible] mentibus.

Primo.

Ut primum. Iam non agi de Patrimonio constituendo, in quo
concilium loquitur Clericis, excludendo [illegible]
quia potest ex industria sua vel Servitio aliquo labore
[illegible] puta quod fit in sicut, Pictor
aut alterius licite profess. ad sacros ordines promoveri
iuxta D. Per Barbosa adducta ipso concilio sessio: XXI
cap. ii. num. mihi. ecc. fol. in meo lib. 122. col. 2. ibi. nullus ad
sacros ordines. [illegible] sed agi de Patrimonio
iam dudum legitime constituto, nunc [illegible]
durante vita constituentis de promiscuo [illegible]
casu, arcetur, nedum de Paupertate et indigentia formali
qua definitive excluditur et notorie statu Patrimoniali
noto, utilitate, URBI et ORBI ut ita dicam satis [illegible]
[illegible] repellente ac repulsanti. nam [illegible] praeses
data, et in infinitum quod si dum esset Pauperior, [illegible]
[illegible], et sic nedum sacerdos, et etiam de
[illegible] aliquo [illegible] additum Ecclesiastico promissus non
in Pictura Exercitio ageretur [illegible]
[illegible] Patrimoniali [illegible] multo minus [illegible]
contra Gaudes id facere [illegible] nullo, aut dolore, [illegible] non
indigeat, [illegible] pauperis sunt, nec reclament contra [illegible]
[illegible] factum [illegible] partem adverse [illegible]
[illegible] statu, aut casu, exclamando et carere [illegible]
[illegible], quam nullitate, et [illegible] minuetur
[illegible], inutilitate, et damnabiliter contra, et quidem [illegible]
pro nunc [illegible], [illegible] ac liberiori [illegible] illa [illegible]
publicaturus.

[illegible]

Obligata

contra

Gasparem

o verbo iura

~~[illegible]~~ Oratori [illegible] Hereditas [illegible] [illegible] prout valide [illegible] consistunt ita etiam

valide [illegible] Voluntatis [illegible] ~~[illegible] [illegible] [illegible]~~

~~etiam [illegible] [illegible], [illegible] [illegible] [illegible]~~

~~[illegible] [illegible]~~ partis ~~[illegible]~~ [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible], [illegible] ~~[illegible]~~ [illegible]

sed frustra, inaniter, inutiliter [illegible] DEUS [illegible]

quod contra [illegible] ipsum. ~~O Tempora. O mores, [illegible] [illegible]~~

~~Secundo~~ Excitor ad [illegible] in opinione et [illegible] [illegible]

Oratori [illegible] [illegible]. Ex eo, quod textus concilij

provisionem ~~[illegible]~~ quam ~~[illegible]~~ [illegible] declarat [illegible]

[illegible] [illegible], et sic [illegible] [illegible] collationem et susceptionem

[illegible], non [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ consumatos [illegible]

[illegible] in quo ad ordinationem [illegible] iam [illegible] ac

[illegible] ordinare ~~[illegible]~~ non [illegible] [illegible]

~~[illegible]~~ [illegible] etiam [illegible] aut traducuntur [illegible] ~~[illegible]~~ [illegible]

~~[illegible]~~ ad [illegible] ~~[illegible]~~ [illegible] cum [illegible] et intentio in

[illegible] id [illegible], quod ~~[illegible]~~, [illegible] [illegible] ~~[illegible]~~

~~[illegible]~~ et admittit [illegible] amplectitur, [illegible] casus [illegible] tali

ergo.

Praemissis, ~~[illegible]~~ ~~[illegible]~~ [illegible] ~~[illegible]~~, [illegible]

~~[illegible]~~ [illegible] ~~[illegible]~~

~~[illegible]~~ in [illegible], [illegible] [illegible] [illegible] quadrati

illa [illegible] quasi pleno ore [illegible] nulla [illegible]

[illegible], ~~[illegible]~~ [illegible] in [illegible]

[illegible]. ~~[illegible]~~ declarat [illegible] [illegible]

usque ad mortem ~~[illegible]~~ [illegible] ~~[illegible]~~, [illegible] ~~[illegible]~~ [illegible]

[illegible] et Arbitrio, ~~[illegible]~~ ~~[illegible]~~ [illegible] in [illegible] ~~[illegible]~~

et eo [illegible], ut ~~[illegible]~~ [illegible] [illegible] [illegible]

Testator et [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] Prediis [illegible] ut Pris Saries [illegible] ~~[illegible]~~ [illegible]
[illegible] de quo [illegible] [illegible]
[illegible] [illegible]
Et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] debere [illegible] [illegible]
[illegible] [illegible] [illegible] prime instantie
[illegible] ~~[illegible]~~ ad quod [illegible]
ex facto [illegible] [illegible] amel [illegible]
[illegible] [illegible]
[illegible] Pris ex eo [illegible] [illegible] ~~de~~
~~necessitate~~ [illegible] [illegible] in eo [illegible] [illegible]
[illegible] modo [illegible] [illegible]
[illegible] quod [illegible] [illegible] [illegible]
[illegible] Patris.
Quod aut se abstinuit [illegible] Pris [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible]
~~[illegible]~~ [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible] hereditate [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] ut [illegible] ~~[illegible]~~
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] parte [illegible] [illegible] [illegible] [illegible]
[illegible] hereditate [illegible] [illegible]

Ergo [illegible] [illegible] [illegible] deductis [illegible]
[illegible] probent [illegible], quod [illegible]
[illegible] admitti [illegible] attentis [illegible] testium
[illegible] examinatorum [illegible] post dicta
[illegible] admittuntur probationes de directo contrario ~~[illegible]~~
[illegible] testes [illegible] et [illegible] interrogatoriis
[illegible]
et ro est ne plurimae ~~falsitates et~~ [illegible]. [illegible] possunt
[illegible] qualitates [illegible] videntur indici
[illegible] ut ait Bar.
Bald. [illegible] descendunt omnes
[illegible] videntes magis [illegible]
[illegible] inter quod est [illegible]
[illegible] qui [illegible] ~~[illegible]~~ [illegible]
~~[illegible] [illegible]~~, quae [illegible]
[illegible] ~~[illegible]~~ [illegible] producere
probationes [illegible] contrarias [illegible] ab [illegible] ante productis
quia [illegible] admittitur [illegible] informationis et falsitatis.
[illegible] informato eo magis [illegible]
[illegible] ~~[illegible]~~ quae voluerit
quod [illegible] adversarius melius probavit quam crediderat; unde
[illegible] informare testes ad [illegible] contrarium, et propterea
[illegible] inconvenientia [illegible] [illegible]
[illegible], et de hoc [illegible] est [illegible] dubitandum
[illegible] concludendum, [illegible] examinandi
[illegible] attentis [illegible] testium [illegible]
examinatorum [illegible] contrarijs
[illegible] nullius [illegible] exceptio [illegible]

[illegible] [illegible] [illegible] Sentine, a [illegible]
teneb, ad doctri[illegible] [illegible] eius, diem Venantiste
[illegible] [illegible] [illegible], [illegible] [illegible] eius [illegible]
modo audiens, in iis quibus erat solitus versandi,
quo fit ut novo [illegible] ne [illegible] [illegible]
notam evadere non possit [illegible] [illegible] satisfactionem
debiti cautus ipsius, et pro eius [illegible] [illegible]
sustinens animum [illegible] [illegible] alterius [illegible] id detinui;
Rmus tn Amus Meus certe hec ægre [illegible] ne possitura
ne pluries, et facultates [illegible], et ne [illegible] [illegible]
ulterius [illegible] [illegible] dicit [illegible] ad [illegible] [illegible]
pro [illegible] [illegible] Prin[illegible] [illegible]

Molt'Ill.re et Ecc.mo S.r mio Oss.mo

[illegible] l'oggetto della [illegible] Ordener [illegible] l'attenzione [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

Attento [illegible] del q. S. [illegible] trattate ad

altre [illegible] trattati [illegible]

[illegible] del Mor[illegible]

da [illegible] moglie [illegible] et sorelle

medesima dall'[illegible]; ~~[illegible]~~

~~[illegible]~~ p. occasione de' [illegible]

[illegible] famiglia [illegible]

[illegible], et [illegible]

[illegible] di Placido Petenelmo [illegible]

Celbasso in [illegible]

Andriana [illegible] Madre ~~[illegible]~~ tutto l'anno 1630

il di [illegible]

[illegible] [illegible]

Vitta l'anno 1631 il di [illegible]

[illegible] Tuono di P[illegible]

d'[illegible] insieme [illegible]

[illegible] Mons. [illegible]

Mbruti, et [illegible] l'anno 1631 [illegible]

~~[illegible]~~ quali [illegible] Pre [illegible]

[illegible] il Caso [illegible]

[illegible] Ordina [illegible]

[illegible] del [illegible] l'anno 1630

[illegible] anni [illegible] riguardati da [illegible]

Plinio [illegible]; ~~[illegible]~~

[illegible] Bracca [illegible] ~~[illegible]~~ [illegible]

[illegible] legate [illegible]

et nobili [illegible] come [illegible].

et all' incontro [illegible] descendendo d.a [illegible] dalle
sue Metà de [illegible] nell' altra metà
[illegible] dei q. [illegible] suo Marito nella qte
[illegible] testam.o [illegible] dal medesmo [illegible]
Erede [illegible], et [illegible] Brandi
[illegible] legatari [illegible]
causati da [illegible] suo Marito ~~[illegible]~~ nella Metà
[illegible] dal di [illegible] Morte, di Pessandino [illegible]
[illegible] testam.o [illegible] nominato q. Massimo
Andriano ~~[illegible]~~
asserendo [illegible] ad alcun pagam.o
di [illegible] a d.o
Michele fare in Vitto molte spese, et
pagar [illegible] debiti a' quali [illegible] d.a
Metà di [illegible]
che d.e Parti [illegible] Massimo [illegible]
[illegible] d'Orse suo fratello [illegible],
et [illegible] di lei a' [illegible] del [illegible]
[illegible]
Sono venute all' infrascritta Conventione, et
Transattione; Cioè [illegible]
[illegible], case, et [illegible]
[illegible], et [illegible] di Peruto [illegible]
[illegible] di [illegible]
[illegible], ~~[illegible]~~ [illegible]

Parti, [illegible] quasi sia, et s'intenda di S. Sebast.o uno herede di Madonna Andriana sua Madre, et l'altra metà a Madonna Caminia [illegible] uno herede di S. Michele, [illegible] [illegible] in segno della sua dote, et [illegible], con questo però che di questa [illegible] [illegible] a Madonna Caminia sia escorporata, et assignata a S. [illegible] [illegible] [illegible] lasciatam dal [illegible] [illegible] Ragion di Legato, et così ultimo [illegible], et assignati [illegible] [illegible] Manutentione ~~[illegible]~~ ~~[illegible]~~ d'[illegible] è [illegible] che è a S. Sebast.o [illegible] utile per occasione di quali s'oblig.ne [illegible] da [illegible] [illegible] [illegible] di [illegible] [illegible] [illegible] lasciata [illegible] [illegible] Moglie [illegible] di [illegible].

[illegible] [illegible] agli [illegible] [illegible] [illegible], [illegible] [illegible] anni [illegible] [illegible] quasi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] del [illegible] [illegible] a S. [illegible]; [illegible] Parti [illegible] [illegible], et per Patti [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] siano [illegible] da d.o S. Sebast.o [illegible] [illegible] Madonna [illegible] [illegible] herede [illegible] [illegible] [illegible] [illegible] d.o S. [illegible] [illegible] [illegible], et quello [illegible], et [illegible] [illegible]; Perciò [illegible] [illegible] d.a Madonna Caminia, [illegible] herede del [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] ad ogni [illegible], che [illegible], o [illegible], [illegible] [illegible] [illegible] d.o S. [illegible] per [illegible] [illegible] [illegible]

et [illegible]

Et ni Partitioni fra i Pagani fatti dal q. S. [illegible]

a diversi instrumenti delli q. [illegible] Pre Horatio

et Bernardino, et P. il Chierico [illegible]

co' [illegible], et finalmente fu il legato [illegible] al

d. q. suo [illegible] a Madonna [illegible] detta che è

a [illegible], volendo et contentando, che [illegible] s'intenda

~~[illegible]~~ legato [illegible] tutti [illegible] Parte de

Beni di S. Sebastiano, ~~et~~ obligandoli [illegible] senza

[illegible] legare [illegible], et [illegible] dal [illegible]

[illegible] d. [illegible], come anche [illegible] et delli [illegible]

che fossero, o potessero essere [illegible]

[illegible] effetti, itache d. S. [illegible]

a godere [illegible] de Beni, et legato senza

alcuno [illegible] a legare [illegible] altro alcuno, [illegible]

tutto ciò [illegible] eminentemente [illegible]

sopra [illegible] da S. [illegible] di [illegible]

et [illegible] ~~[illegible]~~ [illegible]

[illegible] Madonna Laminica [illegible], et [illegible]

Sebast. [illegible] delle [illegible] tutte

[illegible] d'Havere delli [illegible] settanta [illegible]

[illegible] ~~[illegible]~~ [illegible] anzi detti [illegible] quaranta

a d. S. Ulaminica [illegible] ~~[illegible] Sebast.~~ [illegible] che sono in [illegible]

essi stati ni [illegible] et Santo [illegible] da d. [illegible]

~~[illegible]~~

di [illegible] cadauna delle [illegible] [illegible]

~~all' [illegible] delle [illegible]~~

[illegible] ~~[illegible] che [illegible] a [illegible]~~

[illegible] tutto [illegible], stabilito, et [illegible]

[illegible]

in dicta sive:

~~# faciliorem utiliusque~~

Firmata igitur invaliditate conditionis, ad ... filius illa ea ... pellere, et obtinere, ad invaliditatem ... possit ea constante matrimonio ... defendere eius ... de talia ... auctor ... et quod ... finali ... in ... et alio ... de bonis ... et ... ob ...

~~et ... esse quia~~

Accedat quod bona ... filio ... in ... cum ... de ... ad ... ut ... quod ... ad ... ut ... et ... in ... et ... ad ... in

~~tantum modo quam ... ad ... debeat~~

~~... ut ...~~

... de ... ad ... quod ad ... ad ... ad ... nulla ... in ... ut ... ad ... ad ... oblatione

ut ... ad ... legis ...

~~... dicendo quod~~

Agitur de confirmatione ... ius ... continuis, ad ... offerat ... potius ... conditio est invalida ... ad ... intendas, et bona ... constante matrimonio ut firmam ... igitur ...

Tum a fortiori dic(endum) est cum maritus ipse qui alienavit
fundum dotalem contraxit, censetur saltem venire contra
factum suum proprium [illegible] nullitatem factam, et ad
alienationem rescindendam [illegible] ad tex. in L. quemadmodum
Cod. de agricol. lib. XI, et ibi Bart. in L. [illegible] ff. de [illegible]
et [illegible] [illegible] in §§ [illegible] quibus licear alien.
in verb. interdicta [illegible] et ibi [illegible]
n°. 547 gloss., et Bald. in L. [illegible] Cod. de rei
ux. act. [illegible] n°. [illegible] Bald. [illegible]
de [illegible] dotib. Privileg. [illegible] in 12 [illegible]
modo si maritus ipse [illegible] [illegible] eo quia [illegible]
contractus sunt isto [illegible] nulli, eo magis et [illegible]
[illegible] pro confirmatione [illegible]

Molto Ill.ri et Ecc.mi Sig.ri Oss.mi

Siebe di Giovan Desati a V. Ecc.ma mi dase aviso qual è stato
li quale Contrad.ti si mandare e mo. [illegible] al contra i SS.ri Mandoni
pero averia caro a saper in che stato si ritrova questo negotio
e se è fatto termine alcuno in [illegible] del tutto stando
ricevera che [illegible] in quello occasione et fine gli
Bacio le mani [illegible] 10 agto 1636

D. I. S. M. Ill.re et Ecc.mo

Hijs [illegible] quod [illegible] fundi Municipali [illegible]
causa [illegible] ultimi decere [illegible]
[illegible]
[illegible]
in fundo dotali [illegible] Lucretia [illegible]
in [illegible] statim [illegible]

[illegible] fundi dotalis [illegible]
in casu [illegible] statuti decisione
[illegible] quod fundi
dotales [illegible] mulieribus, ad ipsius
[illegible] admitti.

~~[illegible]~~ causa nob. intendenda ~~[illegible]~~ ~~[illegible]~~ in ius conventionis [illegible]
nec [illegible] distinguit

In [illegible] ~~[illegible]~~ [illegible] dotalis [illegible] a [illegible] instante
[illegible] ; [illegible] ~~[illegible]~~ [illegible], et
[illegible] [illegible] sit nulla;

Et an [illegible] de [illegible] dotali [illegible] possit de
[illegible] [illegible] [illegible], necne ~~[illegible]~~

Et ne [illegible] [illegible] [illegible] [illegible] die et [illegible]
[illegible], et [illegible] [illegible] [illegible] agere, [illegible] ad ~~[illegible]~~
~~[illegible]~~ contractus [illegible]

~~De [illegible]~~

[illegible] ~~[illegible]~~ [illegible] [illegible] sed a [illegible]
[illegible], ~~[illegible]~~ de fund: dotali
[illegible] alienatio [illegible], a Lege aut
Statuto [illegible] causa [illegible] [illegible], ~~[illegible]~~ ex necessitate
~~ex [illegible]~~, [illegible] [illegible], [illegible]
sollemnitatibus [illegible] de [illegible]
[illegible], quibus omissis [illegible] [illegible] aliter facta
[illegible] Lex [illegible] annullando [illegible] alienationem
facta [illegible] [illegible] sollemnitatibus [illegible] [illegible]
ipso iure nulla [illegible] . . . .

[illegible] dicatur quod Lex [illegible] [illegible] [illegible]
[illegible] aut [illegible] [illegible] [illegible]
Lex ~~[illegible]~~ prohibens [illegible] dotali
generaliter [illegible] intelligendum et ubi [illegible]
non distinguit [illegible] [illegible] [illegible]
nec nos distinguere debemus, [illegible] distinguere [illegible]
finalis ~~[illegible]~~ [illegible], ut dotes [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] obedienza alle l'inventari [illegible]

[illegible] la [illegible] [illegible] imbre

[illegible] Mag. [illegible] intimataci l'Ecc.[mo] delli [illegible]

ordini [illegible] il [illegible] de beni, [illegible] sterilità di

queste montagne ~~[illegible]~~ ci faciano [illegible]

[illegible] che [illegible] [illegible] [illegible]

delle nostre [illegible] [illegible] [illegible], come

nell'occorrente [illegible] [illegible] [illegible] mano [illegible]

di provare

La qualità de nostri beni sono [illegible], [illegible] et [illegible]

[illegible] la maggior parte [illegible] altro, et atti [illegible]

[illegible] sterilità a render [illegible] [illegible]

industria humana [illegible] de nostri [illegible]

insieme habbiamo provato [illegible] mutare [illegible]

[illegible] loro natura, per qualità, et [illegible]

[illegible] bench'è fatiche tali, che [illegible] di gran [illegible]

[illegible] [illegible] di sole herbe,

[illegible], et [illegible] ~~[illegible]~~ [illegible]

[illegible] et tutti questi ~~[illegible]~~ [illegible] ~~[illegible]~~

[illegible] ~~[illegible]~~ [illegible] dalle [illegible]

[illegible] da noi [illegible] [illegible] proprio nel

[illegible] dati [illegible], [illegible] angusti [illegible], et [illegible]

[illegible] che campi, et prati ~~[illegible]~~ [illegible] adeccando [illegible]

[illegible] rendendo ~~[illegible]~~ grano ~~[illegible]~~, ~~et~~ [illegible] altro che

qualità [illegible] ~~[illegible]~~ che [illegible] a parte del [illegible]

Cotai Beni [illegible] che [illegible]

[illegible] procaccia, [illegible] il Vitto [illegible] ne [illegible]

[illegible] nelle [illegible] di [illegible]

[illegible], [illegible] ~~[illegible]~~ [illegible] di [illegible].

Et nella isola [illegible] non più di trecento [illegible] e avviene
che ci viene così [illegible] [illegible] ai difetti di natura [illegible]
[illegible] di noi stessi, et più di quei [illegible] che [illegible]
andiamo [illegible] dalle calamità del [illegible]
nè più tutti li [illegible] non [illegible] potere battendole a [illegible]
[illegible] et [illegible] essere [illegible] in estrema [illegible]
onde [illegible] languiti [illegible] nelle [illegible] di quei [illegible]
per altro non amaremo il [illegible] che per essere nati in [illegible]
[illegible] natura tanto, che [illegible] non [illegible]
rigori del verno, et della fame

[illegible] vie [illegible] restassero [illegible] a [illegible]
[illegible] per li [illegible] animali, sarebbe ancora
tollerabile la [illegible], et [illegible], ma [illegible]
s'estende [illegible] calamità, che ne fine di questi [illegible]
[illegible] [illegible] le Montagne che [illegible]
[illegible] et infruttuose [illegible]
[illegible] a [illegible] che a [illegible]
[illegible] degli animali [illegible]
che di [illegible]; onde [illegible]
[illegible] et [illegible]
[illegible] nelle
[illegible] quelle quali più ogni anno spendono più di
[illegible] di [illegible] gli animali
[illegible]
[illegible] et [illegible]
[illegible]
[illegible], per non esser [illegible]
quei [illegible]; onde [illegible] che [illegible]
[illegible] che s'attendano [illegible]

Agrarii di Tan[illegible] Ortonovo

Luogo sterile

[illegible] non posson andar carri; ma tutto si porta in spalle

Patisce bene le ampli [illegible] a' g[iorni] Vile[illegible] sostentam[ent]o deg[li] [illegible] ogni anno [illegible] montagne in Cargnan ad affitto [illegible] 600.

Hanno anche il Prati [illegible] pascendo [illegible] di ogni animali [illegible] si può dire che in quel sito [illegible] altro che [illegible] habitatione et [illegible] ancor [illegible]

del sito molto incomodo, et [illegible] dall' intemperie dell' Aria [illegible]

Serviamo agl' [illegible] nostri Giusdicenti per Commando di [illegible] nelle Punitione di [illegible] occorente ricevendo però le spese.

[illegible] al Piano a' Ameglia fattore il taglio; onde [illegible] Sarzanello [illegible] venti [illegible]

Non si raccoglie grano Bianco; ma [illegible] qualche [illegible]

[illegible] rivoltò a [illegible] et [illegible]

[illegible]

Vi [illegible] di [illegible] [illegible] [illegible] il Prencipe [illegible] del [illegible]

Ville

Li Sobre Ditti,

Et oltre ciò tengono tutto l'anno una guardia [illegible] [illegible] tanto in tempo di pace che di guerra.

[illegible] ~~[illegible]~~ [illegible] Fieni, et [illegible] [illegible] Giusdicenti, [illegible] in quelle [illegible] ~~[illegible]~~

Vi [illegible] [illegible] et anime [illegible] di Communione [illegible] [illegible] di sostentar [illegible]

Ameglia [illegible] ~~[illegible]~~ [illegible] n.o 300.

In Ville ottanta otto famiglie. Anime mille d'ogni [illegible]

[illegible] in [illegible]

[illegible] Ill.mo [illegible] inutile [illegible] venit.

[illegible] [illegible], quod [illegible]

examinandum, ut conveniri possit [illegible]

[illegible] [illegible] ~~[illegible]~~ [illegible]

[illegible] R.mo [illegible], est enim [illegible] conclusio

in [illegible] [illegible] principiorum [illegible], [illegible] majoris

[illegible], et [illegible] [illegible], [illegible]

[illegible] [illegible] formatur,

[illegible] [illegible], [illegible] indubitabiliter [illegible]

[illegible], et in [illegible] [illegible] [illegible].

[illegible] [illegible], [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible], [illegible] Valenti[illegible]

[illegible]

[illegible]

modo expediendus. si non admittit valeat [illegible]

[illegible] ab [illegible] consistit [illegible] [illegible] est

[illegible] [illegible] sunt [illegible] [illegible] aut

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] sit permittendum appellationem [illegible] [illegible]

[illegible] [illegible] quando [illegible] suggesta et [illegible]

vite [illegible] non possit legibus vulgaribus

Fuit [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] ipse non

[illegible] [illegible] [illegible] nisi [illegible] [illegible]

et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] 2 [illegible] [illegible] [illegible] [illegible]

[illegible] fuit [illegible] [illegible] [illegible] [illegible] non est

[illegible] rationem [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] exprimat [illegible]

[illegible] [illegible] [illegible] [illegible] aliquem [illegible]
et [illegible], [illegible] non et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] illicitus, [illegible] [illegible] [illegible]
principio, quod fuit licitum, et a legibus concessum,
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible].

et [illegible], [illegible] [illegible] [illegible]
in [illegible] [illegible] in [illegible] [illegible], [illegible], [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible], et sine periculo, ut [illegible] [illegible] [illegible]
[illegible] alia arma [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] in capite [illegible] applicari [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] intelligenti, [illegible]
[illegible] enim [illegible] [illegible] [illegible], ut [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible]

Praeterea sic [illegible] ut plures [illegible], [illegible]
~~[illegible]~~ [illegible] mentiones, post receptum [illegible], et post
[illegible] factas [illegible], imo, post multas [illegible]
commendationes et [illegible], ut legitur in
[illegible] quarto articulo ad [illegible], sed taliter
[illegible] post receptum aliquid [illegible], non
[illegible] ex [illegible], sed ex malo [illegible]
[illegible] meri [illegible] ? et haec ex abundanti

Tandem Ill.me et R.me [illegible], Rixa cepta et finita
apparet, ut [illegible] [illegible], [illegible]
[illegible] noctis [illegible] circiter, quibus diebus de
consuetudine [illegible] [illegible], et [illegible] maxime
[illegible] [illegible] solemnitatibus [illegible], [illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] faciant [illegible] operantur [illegible], et quicquid
committunt [illegible] et [illegible] dicit, [illegible]
culpa et poena [illegible], nam [illegible] [illegible]

[illegible] [illegible]. [illegible] [illegible] ad [illegible], [illegible] [illegible]
~~[illegible]~~ [illegible] non [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible], qui [illegible] [illegible]
quid agat ignorant.

[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
aliquid [illegible] [illegible], nam [illegible] et [illegible]
[illegible] maxime [illegible], [illegible] ~~[illegible]~~ quae
[illegible] [illegible] et [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible], et [illegible]
venit, mittimus istis [illegible] [illegible], qui [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible], [illegible], et
inde [illegible], [illegible] [illegible] [illegible] [illegible]
Pauca dixi Illmo [illegible] [illegible], [illegible] [illegible]
[illegible] in Dominico [illegible] [illegible] ~~[illegible]~~
[illegible] ~~[illegible]~~ [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

publica habitatione, et questa ... essendo agitata dai
ventilatori dell'Africa, il verno maestrale, così è rigore estremo
si fa sentire, et si va trovando i maggiori disaggi della nostra povertà
che la radice di queste innovatione ... [illegible]
Contendendo che il pattito che fiedino alle Pianure [illegible]
onde si conclude [illegible] il Pane et [illegible] di [illegible]
il [illegible], fa di anestare che quindi si rendiamo
sopra la bancia onde conviene che anche continuamente
così dire in amenità del Piano, et del [illegible]
stanto per la Patria

Probabilità che in maniera che la serenità dei [illegible]
Essendo altri nostri in altre occasione [illegible] fa molto sochi
ne gli stati maligna la natura, [illegible] ...
infortunij, et [illegible] di tutte le quistioni, et fatiri
solo incaricandoli il taglio necessario de legni, et grani
per il caldo di Pisano ... [illegible]
in tal maniera [illegible] ... [illegible]
quelle et contributioni ... [illegible]; poiche
[illegible] ne potiamo ... [illegible] ne [illegible] a
... è conceduto di pane ma si bene il [illegible] ne [illegible]
vasto piano si potiamo sempre satollare ... [illegible]
... [illegible] ad altri usi necessarij [illegible]
... [illegible] che tanto vero che nella [illegible] di esso
... et ... il sicuro di primo capire, che
... estendere; onde se taciamo [illegible]
... considerate che raccontare ... supplicando
... mente [illegible]

[illegible] che sentiamo, accomodandosi [illegible] le
alla qualità de' [illegible] meriti, che vediamo, [illegible]
[illegible] sentiamo ed
[illegible] Vno degl'Ill.mi suoi Curiali pastor alla
[illegible] delli [illegible] luoghi, et nostre miserie, ame simil.te
per publicissimo [illegible], degni creder che non
pochi bene fatti, et contemar [illegible], et faciste
[illegible] ai ragam.o [illegible] campadego
d'altra contributione; che così sollevarà chi viene necessit.
[illegible] merita, et l'Illicita [illegible] a tro di questo
Essemplare [illegible]
[illegible] Et [illegible] che [illegible]
[illegible] il publico [illegible] a' tutti [illegible] che
stimeranno [illegible] a' questo [illegible] volontieri
e vite [illegible] così [illegible]; et accio [illegible]
di quello [illegible] la [illegible]
stato del sito, che godiamo, et delle nostre miserie
[illegible] che parlerà alli
[illegible] Prudente e necess.e informatione, o' [illegible]
mandar [illegible] vno degl'Ill.mi suoi Curiali a' vedere
il [illegible] il sito, il clima, la sterilità [illegible] non
[illegible] materia che
[illegible] piattare a' quel [illegible]
[illegible] al [illegible], et non [illegible]

[illegible]

[illegible] in [illegible]

[illegible]

[illegible] aris [illegible]

[illegible] in [illegible]

[illegible]

in [illegible] cum [illegible]

ex, audi[illegible]

in [illegible] tempus [illegible]

[illegible]

[illegible] tandem [illegible]

[illegible]

[illegible] quilla

[illegible]

[illegible] quia [illegible]

[illegible] quilla, [illegible]

[illegible]

[illegible]

[illegible] tempus [illegible]

[illegible]

[illegible] in [illegible], in qua [illegible]

[illegible]

[illegible]

[illegible] 20 [illegible]

[illegible]

[illegible] in gratia

[illegible] sabeas; [illegible] plurimas [illegible], [illegible]
[illegible] gramiten [illegible], [illegible] gratias
[illegible]
[illegible] eandem [illegible]
[illegible]
[illegible]
[illegible]
[illegible] quat [illegible]
[illegible] in eisdem
[illegible] et [illegible] nec [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Similiter rescribi in margine [illegible]
[illegible]
[illegible]
[illegible]
[illegible] in [illegible]
[illegible]
[illegible] de [illegible]
[illegible], qui [illegible]
[illegible], an [illegible]

exercere curam animarum in d[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
(accedente [illegible] Parochiali in spiritualibus
obtinend[illegible] [illegible] [illegible] [illegible])

Iudices illud in primis [illegible] cent, quod quod legibus, aut constitutionibus [illegible] inquit lex: instit: de off: iudic in principio, [illegible]

[illegible] contra leges [illegible]

tentiam [illegible]

[illegible] non [illegible]

[illegible] appell[illegible] quare

[illegible] et re[illegible]

[illegible] et ratio est, [illegible]

[illegible] videri, [illegible] leges [illegible]

oportet [illegible] iudicat [illegible]

Iudices [illegible] tol. perull

Prout neque idem iudex quasi quod leges, et [illegible] ignoravit excusatur, cum imo legum minister electus

[illegible] sit origines [illegible]

[illegible]

[illegible]

[illegible]

... ab omnibus sciri debeant L. Sacratissimas Cod: de legib:

Secundo, quod nullitas obiecta ita certa est, et sustinetur, ut licet [illegible]tatores [illegible] quod Iudex ferret eius sententiam contra legem, attamen esset ad hue ipso iure nulla, ut firmant Doctores omnes [illegible] ubi [illegible] cod. [illegible] uers: tertio [illegible] ff. de re iud:

Cum [illegible] uero sententia lata ab Excell.mis [illegible] inter Ill.mos [illegible] Comites Strasoldo [illegible] et [illegible] ex alia in Partes Donationis, et Morgingabionis est de recto contraria Constitutionibus Comitatus Goritiae, [illegible] quae iudicari debeat; cum ubi nec omnia [illegible] bona cedunt viro, dum uxor decedit, nec disponit,

[illegible] non viro, sed Heredibus uenientibus ab intestato Ill.mo [illegible] Comitis [illegible] liberare deberi, q: est ipso iure nulla

[illegible] autem nec Sententia non obstante nullitate obiecta [illegible] executioni demandari reseruato in Ill.mo D. Comiti Martio Strasoldo habendi in alio separato [illegible]

De Ravatta nescio [illegible]

[illegible] aut Sententia est Valida, aut Nulla

Si valida, [illegible] [illegible] debet, nec ab ea datur regressus,

cum per ipsa dirimantur omnes Partium Controversiae,

Si Nulla, [illegible] execui non debet, cum perinde sit, ac si

Lata non fuisset, et propterea non extis nulli sunt qualitates

Ulterius considero, quod executio illa solutio, et [illegible] [illegible] [illegible]

vindicat, in Iuditio [illegible], non autem in Iuditio [illegible]

cum ea parte D.D. de Ravatta de Petitione Hereditatis-

ratio [illegible] [illegible] intentata, [illegible] non habet locum nec

admitti debet argumentum tex: in L. ordinarii [illegible] de rei

Vendicat: cum [illegible].

[illegible] Averius à Porta [illegible]

Titius annum agens decimumsextum Capellaniam obtinuit cum onere celebrandi missas pro defunctis ab habente ius dispensandi in Ecclesia in qua extat constitutio [illegible] Provinciali edita, roborata a S. Congne qua declarantur inhabiles ad [illegible] eia qui, qui statim non habent, ut saltem infra annum promoveri ad ordinem bene[illegible] [illegible] possint, et eorum electionem, presentationem et institutionem [illegible] etiam aut esse irritandam, et annullandam decernit.

Queritur num ordinarius [illegible] possit dispensare cum Titio ut [illegible] liberé possit retinere Capellaniam predictam contra eandemmet constitutionem.

Sunt qui putant non posse, [illegible] fortificatione quia inferior [illegible] dispensare in lege superioris quod quidem duobus potissimum modis verificatur, [illegible] lex a superiori immediate provenit et eius dispensatio prohibetur, et [illegible] superiori reservatur, et [illegible] patet, Potestas namque inferioris a superiori dependet. Bonac. de dispens. [illegible] 2a n° in [illegible] Aut lex ista [illegible] confirmata est et talis confirmatio est [illegible] Hoc [illegible] quod non possit ordinarius inferior dispensare, decernit idem Bonac. [illegible] cit. n° 15.

[illegible] confirmatio [illegible] tanquam [illegible] superioris.

Verum [illegible] in [illegible] constitutio [illegible] contra ius Comune dirigitur contra [illegible] habet Episcopus [illegible] Provinciale [illegible] edendi leges sine confirmatione [illegible] confirmatio eisdem [illegible] et [illegible] non [illegible] et [illegible] argumentatis [illegible] multa me [illegible] cogerent. [illegible] tractandam [illegible]

Et principaliter [illegible] constitut[illegible] effectus [illegible] [illegible] certum [illegible] debet tenorem [illegible] sacros. Conc. Trid. iubenis eiusque decreta exequi ad normam [illegible]

coruginda

[illegible] ad iura Ecclesiae et [illegible] habentium [illegible], et [illegible]
[illegible] in sua Dioecesi: quod colligitur ex [illegible] ex [illegible] Constitutione,
[illegible] [illegible] [illegible] [illegible] [illegible] nominabant a
simplicia beneficia, et ad Capellanias, et ob [illegible], sed continet o nomina gata fuit.
[illegible] [illegible] [illegible] ipsa [illegible] [illegible] [illegible] a [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] dignitati, sequimur effectus
omnino contrarij intentioni praedictae Constitutionis.
[illegible] [illegible] non solum iuri Communi [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] minores 14 annis usque ad septenium, verum etiam quod non est [illegible]
[illegible], [illegible] sacr. [illegible] Conc. Trid., a quo decretum est, quod in decimo quarto
[illegible] quis simplex beneficium obtinere possit sess. 23. de reform. c. 6. et late
[illegible] Franc. [illegible] in sua [illegible] [illegible] [illegible] [illegible] c. 18.
n. 17. [illegible] lib. 6. c. [illegible] n. 4. [illegible] [illegible] [illegible] 6. quaesito
[illegible] [illegible] [illegible] n. 3. [illegible] [illegible] [illegible], confirmationem [illegible] operari, quod ex
inferioris transit in legem superioris [illegible] Paps [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] infirmat actus ex [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
fieri debet: derogatio namque debet esse expressa, ut aliquid operetur. quod [illegible]
[illegible] servandum est [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ut late docet [illegible] [illegible] [illegible] benef. [illegible] parte
[illegible] [illegible] § cum derogatione statutorum n. 8, quanto magis pro plenitudine
observationis sac. sanc. Conc. Trid. Quin imo in dubio, quando non est
[illegible] [illegible] [illegible] [illegible] statutum [illegible] [illegible] [illegible] [illegible] [illegible]
iuri comuni [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] n. 31.
[illegible] effectus [illegible] [illegible] [illegible] [illegible] ubique receptum
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad sacros
[illegible] [illegible] et ad Missas [illegible] [illegible] [illegible] celebrandas, ut
firmat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] § [illegible]
[illegible] beneficium n. 28. Diana parte [illegible] Tract. [illegible] [illegible] [illegible]
[illegible] congregatione Cardinalium [illegible] Episcoporum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

quod Capitulani celebrant, quia nec ipsi omnibus [illegible]
probat ipsemet [illegible] parte q. [illegible] ract.

[illegible] effectus dirigentis in [illegible] quam [illegible]
[illegible] veneciani ad [illegible]
[illegible] coarctant voluntas [illegible] cui gentes
[illegible] inviolabilib. atq. [illegible] vinculo
[illegible] in casu [illegible]
[illegible] quod Capitulanus [illegible] celebrant contra decr.
[illegible] modo electione
[illegible] declarando quod aliter facta nomine subreptitia
censeatur. sess. 25. de reform. C. 1.

[illegible] quam vim habeant [illegible] considerationes [illegible]
[illegible] intellexit novum ius Sta
tuere contra Conc. Trid., neq. hoc presumatur [illegible]
eiusdem in approbatio apposita non unicq. [illegible] constitutioni [illegible]
[illegible] constitutionem [illegible]
[illegible] ad unicam [illegible] ut habeat [illegible]
rationis, nisi de ea expressa mentio fiat

[illegible] hoc obiter [illegible] super istam formam [illegible]
[illegible] per hoc verbum approbata, in plurali num. [illegible]
[illegible] quod facit [illegible] effect [illegible]
[illegible] auctoritates [illegible]
aliquid tamquam bonum commendare et laudare confirmare aut [illegible]
[illegible]
adversa opinionis facile resolvatur: [illegible] constitutio [illegible]
[illegible] confirmata et [illegible]
secundum, quod eius confirmatio [illegible] quia per [illegible]
[illegible] tanquam [illegible]
[illegible] accidentalis [illegible]
quinq. sub obiecta obligationi [illegible] a dum. [illegible]

tatis a b [illegible] Metropolitano; cum [illegible] firmat [illegible] intelli[illegible]
[illegible] [illegible] una et [illegible]
et non [illegible]
[illegible] potius eq[illegible] interrogationi ut docet [illegible]
[illegible]
Metropolitano [illegible]
[illegible] [illegible] et [illegible] iudicio [illegible] iudicio.

Testatori intentio declar.
ex ante ced. et subseq.
Bar. i. l. civitas ff de legat.
l. si unus ff de adim. leg.

Menoch. de praes. lib. 4 praes. 14
n. 7.
Surdus cons. 7 n. 8.
Bal. in l. lineam
margaritam ff ad l.
Falcidiam.

Ponderandum est cum testator
dicat substituendo illum [illegible]
masculis [illegible] legitimis [illegible]
Volo eo casu succedere
filium meum.

allegata Bertran. [illegible]
n. 7.

A suoi nipoti.

Se i mercanti di spezieli, o i mercanti delle spezierie: scrivessero e havessero detto di ce. Vendute senon mercantia, senza haverli [illegible] di altri [illegible]

tornino dove et nelle loro spezierie solam.

quali mercanti?

Prudentissim. dett.

A mici spe. marchi.

con suoi beni marchi —

Quel guardino di codesto significa molto da un [illegible] dove con cio de li vendi ad un altro

Li avvocati: dicono che le il guardio spe. [illegible] essi havevano tutto et a [illegible]

Che scritto li [illegible] et Rinunziar è di natura di [illegible]

[illegible] Corrado di [illegible] [illegible]

[illegible] sulle Retor [illegible]

sono [illegible] 3 [illegible] li spe. marchi e loro [illegible] di marchi

2a. delle spe. [illegible]

3a. delle [illegible] & spe. marchi

Il Testatore assumendomi haveva dett. che doppo li spe. [illegible] [illegible] [illegible] celati — et beneficiati le [illegible] — spe.

con suoi li [illegible] i li spe. et suoi spe.

Et poi le [illegible]

[illegible] [illegible] nella che [illegible] il tempo di [illegible] nelle [illegible] —

In instituz. vocavit filios marculos. equali. inequaliter.

deinde Et tra hereder masc. or. dando loco descendenti equi descendent ab illi fe linea masculina.

Et d uno ipsa cumulatis in aliud. equale, inequal. e nulli.

Videam maneando tutti i detti miei ff. soi heredi masc. legit. come è detto.

Voglio et d. mio ne fina suppl. ... a mio ... mandat. ... monachar.

Mancando ... tutti li miei heri, et suoi heredi, come ... Voglio ... tutto due ... una ... l'altra ... Et l'altra ... heredi d. mio ...

... o maneo.

Et i ... fili heredi masculi ...

Et mancando tutti i detti heredi masc. ... heredi masc. ...

In casu ... ad diff... Vano ... cui ... hered ... nostri. voc. ...

In dubio ... ex agnat.

et hoc bene.

Publ. interest ... salva ... dignitate ... extimatur.

Gradibus ... nec ...

Gradus ... ex modo ... et quali ... ...

D. Sup.^m Bonanij.
Voluntas testatoris
dd. [illegible] attendenda
l. cum auus C. de [illegible]
[illegible] cum [illegible] 16 [illegible]
cum [illegible] in pm. C. de [illegible]

Tracta et comitiis collecta
d. l. cum [illegible]
Decius [illegible] 637 n. 4.
& ulta cos com [illegible] —

Verba illa a meis [illegible]
masculis [illegible] [illegible]
[illegible] qd qualiter ma-
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
cultu et [illegible] [illegible]
[illegible] —
Paris. [illegible] n. 18 [illegible]
[illegible] [illegible] n. 100 l. [illegible]

[illegible] [illegible] masculi et
feminas.
Molina. de [illegible] l. 8. c. 28.
n. 165.

Quia [illegible] [illegible] masc. femi.

Si testr. q. aliquot gradus
p(ro)h(ibi)ti cu(m) in nomine masculino
d(iri)g(untu)r.

etiam vocatur
simplic(ite)r fecta(?)

intelligunt(ur) d(e) masculis.
Dec. g°. xv. nº 2.

Tu(m) (?) [illegible] disponit.

tu(nc) (?) qu(ia) n(on) est [illegible] cu(m) [illegible]
diloxit pleur(?) n(on)
natur(?), n(on) cognitur(?)
[illegible] n(on) cadat
[illegible] —

Genitu(s)(?). [illegible] [illegible] [illegible]
[illegible]. voluntat(is).
Dec. g°. 677 nº. 14
Cons. g°. 19 nº 1 et 8.

Argu(men)te illa(?) disposition(e) [illegible]
[illegible] [illegible]. [illegible]
c. [illegible] nº 2 [illegible].

Voc°. masculos et
excl°. feminas
mutuo(?) [illegible]
caus(a) [illegible] [illegible]
Menoch. d. g°. 91.
Pani(?) [illegible] g°. 60 nº [illegible] 2°
g°/10 r. nº [illegible] 1°. 2° —

Feuda [illegible] in ? [illegible].

Et [illegible] ecclesia [illegible] marculo.

Vt [illegible] [illegible] —

Ponderari
9° 9 cst.
[illegible] marcalina.

[illegible] succ. in infinitum

Bal [illegible] tit. [illegible]
9° 334
[illegible]
[illegible] Ubi decit.
[illegible] descendentes.

[illegible] volunt [illegible] [illegible] descend. masc.
* [illegible] transversales.

[illegible] volunt [illegible] bona in [illegible] [illegible] descend.?

/ [illegible] [illegible] sit [illegible] [illegible] transversalis —

[illegible] succedat transuer. [illegible] [illegible] descendentes —

[illegible] ubi [illegible] [illegible] venit [illegible]
[illegible] succ. ut [illegible] nº 42 —

[illegible] descendendo. [illegible] [illegible] [illegible] [illegible] [illegible] in infinitum.
[illegible] [illegible] [illegible] [illegible] [illegible] unum.

[illegible] [illegible] Vbi [illegible] [illegible] [illegible] masculinam —

Roll. [illegible] [illegible] [illegible]
Rub. 13. nº 3.
[illegible] c. [illegible] [illegible]
[illegible] ab [illegible]
[illegible] 9° 56. l° [illegible].
[illegible] 9°. 85 nº 2
[illegible] 9°. 12. Vol. 1.
[illegible] l° 8. c. 28 nº 13.

1° podran. dicere illa
Verba Et marcaldo
tutti li detti masculi; et
suoi heri masculi &c.

cum n. ad dote
spectans aliis mas.
acquiri vel heri consequan
dote & ore mascul[illegible]
[illegible]

Menoch. cons. 100 n° 310
1° 2°

Ponderanda specialis illa dictio
tutti [illegible] l. [illegible]
leg. 3°. c. solicus
maiores & obed.
l. [illegible] ff [illegible]
[illegible]

Consid. generalis illius dict.
universalis tutti.

Quia [illegible]
con [illegible]

Collectio mas. [illegible]

Vehementer [illegible]
[illegible]
nullius valeria

[illegible] dubia [illegible]
Cephal. 114 n° 23.
188 n°. 7

quam [illegible]
[illegible]
[illegible]

Cephal. 344 n° 12.

Hoc ad
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
l. cum [illegible]
[illegible] ff
ad Treb.
Peregrina [illegible] 9.
c 2. n° 18.

[illegible]
Universali.
l. [illegible]
Trebell.

[illegible]
ad [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
cont. [illegible]
l. cum [illegible] Treb.
In [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Tc. sedebo, e nd redu—it
ad illos duas cau[illegible]
volui[illegible] "Voi[illegible]" etc. Vn
me nor.

Et [illegible] ere faciendā
[illegible] agnationē —

V Si dans illa [illegible]
que mas [illegible] absurdū
nempe q alias sub[illegible]
[illegible] [illegible]

Verba [illegible] [illegible]
ad Sine. Oi. Verbu
Slit aliqd operari —
[illegible] quod [illegible]
l. [illegible] Roma [illegible] duo [illegible]
[illegible] Verb. obligat.

Nullas ordinationes [illegible]
vel substitutionem.
[illegible] volumus [illegible]
— T [illegible] —

[illegible] [illegible] [illegible] } [illegible] [illegible] }
[illegible] [illegible] [illegible] }

Advert. [illegible] verba illa [illegible]
latine [illegible] dotto.
[illegible] [illegible]
Quia [illegible] ad Masculos
[illegible]

Testatur heni + filios masculos ...
fem. ac. parti' matr. collocatur & ...
Deo dedicatur, nomine ... masculos.

Residuum dimisit filiis masculis, et ...
Et sic voca: et ... heredibus masculis, ...
uit
Descendendo Descendentes ab illis ... masculinam.

Deficiente uno ... deueniat ad alium —
reciproca ...
— filios.
nepotes. et
ceteris ... masculinum.

Deficientibus autem omnibus ... filijs & ...
heredibus masculis ... fuit
dictus fuit.

... Volo ... deueniat ... ciuis ...
... ... et monialibus ...

Deficientibus autem omnibus ... et ...
* ... heredibus et ... ...

Volo ... ... residuo ... tal ...
... Una ...
... et alia ... mea ...
... ...
Et ... masc. ...

Et deficientibus omnibus heredibus masculis
... masc. ...
Deueniat ad filias ... legitimas
... —

Mens voluntas intentio
testatoris unice attendi
et ob id multa sunt
contra ll. magis iusta
in l. Tm. c. de [illegible]
Corn. 275. col 2 l. 4.

ypa-n. Vol.
[illegible]
[illegible]
l. Fed. [illegible]
a gr.
l. gergo mihi
[illegible] 3.
l. cum [illegible]
c. de Fed.

Ro
[illegible]
plurimum
tali [illegible]
in l. c.
[illegible]
et [illegible]

Verba magis [illegible]

l. gergo mihi [illegible]
[illegible]
l. 3. [illegible]
l. 3. [illegible]
c. [illegible]
Alex. [illegible] 130 col. 1 l. 2.
[illegible] 52 col. [illegible]
[illegible] 76. col [illegible]
Bologna. [illegible] 93. col. [illegible]
Barbat. [illegible] col. [illegible]
Paul. [illegible]
[illegible] 132 col. [illegible]

Cz Verbis
[illegible]
[illegible]
quo [illegible]
l. Titia cum
[illegible]
[illegible]
l. cum [illegible]
[illegible]
[illegible]
l. cum [illegible]
Comitatu
[illegible]
Soc. 22 col.
Dec. 209.
col 2 —

Sententia [illegible]
l. cum [illegible]
[illegible] volunt [illegible]
[illegible]
l. gergo mihi [illegible]
Voluntas [illegible]
in [illegible]
[illegible]
l. [illegible] col. n.
[illegible]
[illegible]
l. [illegible]
[illegible]
l. [illegible]
[illegible]
vel verbis —

Fed. tamen
[illegible]
[illegible]
[illegible]
[illegible]

Et bono et equo
a stat.
a cons. disp[ositio]nis
Amicitia.
Inimicitia.
Affectione
Charitate.
Consanguinitate.
Iustitia mat.
Pretor sibi 5°
nu. 2.
Adulte.
Necessitate.
Evento
Officio
Et aspectu
ni. legatur.

qui Tradunt
Eloquent.
textum
l. ... 4 Dig. de in
tot. dicend.
l. quod quis sibi
l. cont. ... Et ... tamendo
Ser. leg. credit.

Coniectura.
Iudicia.
Arg[umen]ta.
Presumptiones.
Verosimilia.—

*

*

l. si quis sibi plur:
... f. pro.
de legat. 1°
l. unus sibi pan.
ff. de leg. 2°
Cabrol. 90 n° 23
consequent...

Hendiadis
Verba...
...
sed ad ...
exprim.
l. licent apud
ff. de ... leg.
... 5°
nu. 20.
Bart. ...
... 5°
l. 5 2° 168
nu. 37 —

Ptent in dubio
... n...
... et ... odium.

Verba testamenti a dicunt
et ...

Quando intelligitur ea intelligi
... sed
Ratio ac manifesto intelligit
... que ... sunt.
l. licent ... ff. ...
l. ... ff. de leg. 3°

Relinquo meis filiis masculis
equaliter, et suis heredibus
masculis legitimis, de-
scendenda ab illis [illegible]
linea masculinorum.
Et deficiente uno eorum
deveniat in alium eorum
Deficientibus vero omnibus
dictis meis filiis et
suis heredibus masc.
legitimis prout dictum est.
Volo quod residuum meorum bonorum
tam mobilium quam stab.
quod restat eo tempore
veniat [illegible] iure
filiabus meis monialibus
et ex monacandis
equaliter.

Deficientibus vero omnibus
meis heredibus et suis
heredibus et meis
filiabus
Volo quod de dictis bonis
fiant due partes,
Una detur pro anima
mea, et alia [illegible]
[illegible] meorum [illegible] Dn.
Franc. et Marci Va-
lerij, et heredes
* dictorum heredum masculo-
rum legitimorum.
Et deficientibus omnibus heredibus
masculis d. [illegible] deveniat
in filiabus [illegible] d. [illegible]

Panciroli.
Scribendum [illegible]
descendens [illegible]
ita [illegible]
[illegible]
Bal. [illegible]
[illegible]
Castren. [illegible]
[illegible] no. 3

Nomine heredis [illegible]
[illegible]
tum.
L. in arenalem. C.
de legatis

Testator [illegible]
descendendo [illegible]
masculina. [illegible]
[illegible]
[illegible]
linea [illegible]
[illegible]

Voc°. ergo. accendet mas-
culos. et cend. in simul
circumiu[illegible] plures
[illegible]

Quia aliqu
nd erat linea.

Et c cend [illegible]
ca linea [illegible]
[illegible]

Linea. n. erat ordo
descendentium [illegible]
[illegible]

Bal. q°. 338 l° 3.
Soc. q°. 83. nu 7 l°. 3°.

Linea idem quod [illegible]

Concur. q°. 337 [illegible]
123. 7. [illegible]

[illegible]
[illegible]
Vnde. Voc. mas.
[illegible]
[illegible]

linea masculina dr Vbi nulla femina sed soli masculi et masculis descendunt

l. c. l. maritur.

C. de Gennawinus

cons. igi lo 2o.

Decius cons. 22. no. 1.

* lo 2o. Vbi coera

masculus precedit ac tollit femi: nis donec ipsi extiterint

Et no quia in cretur Testa: ani voc. filios nominum addit descendentibus linea masculina ex declaratione sic vocari et masculi aut fam ex masculis

4o. Nos pt asseri ratio cum Testator voluit propter filios & nepotes ne aut alios descend. masculos nisi fuerunt agnationis que ex mare descendunt idcirco vocauit filios & nepotes, casus ex propositio ex istius: quia masculi & agnati descend.

Verbum descendens in se denotat medietatem qualitatis.

Aliter in dicto Verbo. Gradus.

Huic ob. iud[m]. con
Tgm[i]. valerni.
qua
plurati co colerentur.

— 2° —

Quia alia iud[o]. ccomit
et maleuolentia
Vnde ord. propria Dici
altere di.
L. an. tcal. C. de Edif.
primis —

3°.

Hic ce[ru]. sed [illegible] est lu-
dicandum omni vnus-
quisque bt iud[i]. sine
conscientia / sine aua
sine alis sensu.
[illegible] C. de Dona. & [illegible]

De iure
T. 8. P. 2 M. 113.

Horum app[e]. confess.
nec est [illegible]
marc[o]. & [illegible]
Panis. 88. n° vol. 2
26 n° vol. 3
Clot. 4 n° 24
Dionis cc. n° vol. 2
[illegible]
[illegible]
Ranch l°. 5°.

1° [illegible] fol. 17.
[illegible] 4° Caus.

Crudelis [illegible]
[illegible]
Dual. 4°. L. 29 [illegible]
[illegible]

Nerterf[illegible]
[illegible]
[illegible]
[illegible]
& [illegible]

[illegible]
[illegible]
[illegible] Dal. 46.
Ver. [illegible] l°. 1.
[illegible] 3°
[illegible]

La parola di scendendo
ciò significa in infinito.
slungata la linea.

o è principio
o è gerundio.

Nel 1°. caso.
il modo volgarmente
discendendo. cioè
discendono. o che
discenderanno. ——

Bocc.° gior. 1ª Novel.
1ª ciappelletto sentendo
[illegible] cioè il quale sentiva.

Nov: 2ª alla terza gior:
non conoscendo, cioè
il quale conosceva —

Nel 2°. caso di
Gerundio.
discend.° cioè per che
discendono
o se discenderanno
Bocc.° giorn.° 1ª Nov. 1ª
Che nel [illegible] confessar ne
[illegible] alcun [illegible] da cui [illegible].
Et morendo, cioè se mo:
rirà [illegible] mia
chiesa [illegible] [illegible]
corpo. —

2 Della parola
discendendo
significa
moto succ.vo in
moto al
[illegible]
[illegible]
[illegible]

3° il moto ha il
suo term.° a qu.°
che e li [illegible]
[illegible].
[illegible] ad un
[illegible]
[illegible] —

4°: ora i [illegible]
& i loro [illegible]
[illegible]
[illegible] grado
di [illegible]. [illegible]
la [illegible] e [illegible]
[illegible]

1°. [illegible]
[illegible] in [illegible]
grado della [illegible]
[illegible]
[illegible] de:
scenso.

3^a. suppositio.

Dicti, vero.
;Intelligo illud mixti masculi.
Equatur
et illud, secundum masculi
latitudines ab illis distant.
Lines masculinae.

Si a Speculo plura mixta
suprapositum & Deo assecrantur
circum bonorum aequalium.

Utrius assumuntur medius
erat in hexis primum &
in illorum secundum mas:
culi latitudinem

Utrius et assumatur erat
in plura illorum lineam
lateris. aequaliter

— Plura Fol^{ia}. —

Unum quod transeat per plura, ut
et in plurium suum secundum
plura latitudines masculorum.
describens lineam mas:
culinam.

Unum quod est 2do. in plura.
illa speciem

Quorum vero speculum Utriusque
(mixti in intensione) masculorum
quod
a speciebus in plura d. lineam

— [illegible]

CC. [illegible] ac benigna [illegible] duos [illegible] ad aquam.

Bal. [illegible] & [illegible]

Verba [illegible] dubia [illegible] loc. [illegible]

Viri boni arbitrium.

[illegible] legatum.

[illegible] & aquam [illegible]

[illegible]

aquam [illegible]

[illegible] certo loco.

Jus naturale [illegible]

[illegible]

Bal. [illegible]

Naturalis [illegible]

Bal. 9° 176. col 2ª

Natura [illegible] Bal. [illegible]

Voluntas [illegible]

Hinc [illegible] loc. 9° 26 [illegible]

Ubi [illegible]

[illegible]

Deus [illegible]

Hanc Deus & [illegible]

Ovid. [illegible] Metamorph.

Bal. [illegible]

Verba [illegible]

Bal. [illegible]

[illegible] C. [illegible]

Vir. Bonon. [illegible]

Accusandus iniquus et insipiens... vide... Alex. 9º 17. col. 2 n. 66 v. 1.
Id. 4º. 78. col. 1 v. 2
... n. 81 v. 2
... 130. n. 8.
Pauli 20. n. 26 v. 1.
Prinich. 177. n. 4

Accedere vel supplere.
... duo ... n. 6 ...
colleg. ...

Dal. l. 2 ... C. ... cum ... absurd...

P. C. 9º ... v. 2
... vel ... Et ... marcalis.

Incepis ...

... Alex 9º. 93 col. 3.

Accusandus ...
Ale... Recens. 278 n. 1.
182 n. 6
188. n. 22 v. 2

In 1º. Pater ... vocis ... masculis.

In 2º. declararat ... metricis ...

3º. ... vocis ... masculis ...

4º. ordinat ... Voc.

Item ...

5º. ...

Et ... 3º ... aequali ...

[illegible]

[illegible] ... ex[illegible] ... [illegible] ... quoniam ... [illegible] ... [illegible] ... corpore ... [illegible] ... [illegible] ... Tr[illegible] ... [illegible]

Nec obstat quod deducitur parte Ill[ustrissi]mi Carensis, quod scilicet [illegible]

[illegible] ectiones deberent eandem pertinere dictis ... post mortem D[omi]ni C[illegible]onini, quia ... in partibus Germaniae cum [illegible] ... [illegible]

[illegible]

[illegible]

[illegible] non distrahebantur [illegible]

[illegible] Dominatio Vestra [illegible] auctoritate [illegible]

[illegible] et [illegible] in [illegible]

Dauit [illegible]

[illegible] Hieronimi [illegible] executio [illegible]

[illegible] Doctor [illegible]

[illegible] morte [illegible]

[illegible]

[illegible]

[illegible] executio [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Hieronimi [illegible]

[illegible]

[illegible] tandem [illegible]

[illegible]

mandans fieri excarcerationes [illegible]

[illegible] Hieronimi tantum [illegible]

[illegible] contradictiones [illegible]

[illegible] ... ergo
[illegible] necessaria [illegible]
[illegible] non enim [illegible]
[illegible]

[illegible] non [illegible]
Taberna [illegible]
[illegible]
[illegible]

[illegible] non [illegible]
[illegible] manutenendas
[illegible]

Non etiam eo quia in Taberna communione vixerit cum
[illegible], cum obstet lex [illegible] Principis [illegible]
[illegible] quod [illegible] non [illegible]
[illegible] ab [illegible] ~~[illegible]~~ in eo comorante obligari [illegible]
~~[illegible]~~ [illegible]
[illegible] commoration
[illegible] dictando, et
[illegible] Taberna abfuit:

[illegible] intervenerit, et manutenere
[illegible] damnari [illegible]
[illegible]; non enim [illegible] in [illegible]
[illegible] Uxorum [illegible]
[illegible]
non enim [illegible] in manutenendo
[illegible]

sponsalium contractum cum prima Uxore [illegible]

in quo tamen nulla interuenit pecunia [illegible]

postea Dos persoluta Dño Hieronimo [illegible] nominat

ut habet ex instrumento 1604. 9. Maij in processu fol. [illegible]

Tum denique tenet, eo quia recunit [illegible]

in [illegible] utilitatem [illegible] in [illegible] Facultatis [illegible] cum

imo notorium sit Rodmum Abbatem Dominum [illegible]

nec [illegible] ad ea [illegible], Dnumque Hieronimum

nunquam [illegible] cum [illegible] Dominibus

seu aliter, quod adeo est [illegible]dummondum, eo quod in contrarium

nihil fuit [illegible], aut demonstrari [illegible].

Et quid plura: nonne Rdmus Abbas [illegible] eadem [illegible]

cum Dno: Hieronimo reperiebatur tempore quo [illegible]

pro Dno [illegible], [illegible] Dnus Hieronimus

Uxores in primis, et secundis [illegible] duxit? [illegible]

[illegible] dum [illegible]

[illegible]mo contraxit, Uxori debuisset obligari ab eodem;

dum cum Dnis eius [illegible], et

dotes accepit? [illegible]

pecunia Dotales [illegible] in [illegible]

quod nunquam euenit, cum introitus [illegible]

ipsius, excederent Duc: m/4 [illegible], et

hec [illegible] Dotes Dnarum Uxorum Dni [illegible]

[illegible] ad Dotem D. [illegible] Dnis [illegible]

[illegible] Hieronimi non est [illegible] cum hec [illegible]

[illegible] cum generis [illegible] cohaerentibus ei
[illegible] cum Dno. Hieronimo procuratorio nomine
patris respective, non autem [illegible]
unde modo in eius portione [illegible] debet cum eam [illegible]=
nuerit, nec gratis donanti restituerit. [illegible]
Laudet igitur D. S. Exc.ma excam [illegible] ordine
[illegible] dixit, cum iuris dispositione presidentem.

ita sensi quae dixi ego
ordenium a Sancti [illegible]
Minimus [illegible]

[illegible] deducta per mag.cam Cameram Fiscalem contra Nobb.
[illegible] Nob. mi Hieronimi [illegible] per sententiam terminata sunt
et [illegible], decidi omnino et [illegible] iuris dispositione [illegible]
[illegible] sunt [illegible] ab [illegible] Porta [illegible] et
[illegible] ideo opinioni eiusdem [illegible] mi [illegible] et [illegible]
[illegible] [illegible] sacro.

[illegible]

Ioan.s Fran.s

Ioseph Petrus

Albertus Ant.s Actis

Vitale alias ... Ioa.s ... Melloni qui duxe...

ex eo ... ~~duo habuere filij~~ ... habuere

... ac ... erat ... Petrus

... tandem Petrus ...

... in ... continuavit

... ulteriori, ... in habitantes

... cepit ... facere ... Bernard ...

At q. Ant.us Bernardini ... Supertstite ...

anno 1591 ... et ... usque de

in possessione eiusdem ... ut ... quit ...

Ioa.s modo Rei ... unde ipse ... ex

... concordanent ... Ant.s

de ...

... anno ... 1628 q. Ioseph Melloni

... erat debitor ... antiquus

... moriam, ... Ardanone

... ... Bernard ...

[illegible] ; sub [illegible]

[illegible] [illegible]

opus ei fuit exhibere [illegible] Anni 30. ut legi

in [illegible] inde ante annum 1628 fol. 12

[illegible] Maltheus [illegible] filius [illegible]

Vendiderit volens [illegible] [illegible] [illegible]

[illegible] compos [illegible] villae

[illegible] [illegible] a [illegible]

et [illegible] inde [illegible] ad [illegible] [illegible]

[illegible] dictus Matthaeus [illegible]

[illegible] [illegible] anctio

[illegible] [illegible] integre [illegible]

[illegible] [illegible]

usque [illegible] annos 15, et [illegible]

Modo vero comparuit quidam [illegible]

etiam, et dicens se esse filium q. [illegible] Matthaei [illegible]

[illegible] Bona, et [illegible]

vocatam in Plano possessa a [illegible] ; nec [illegible] ;

[illegible] dicens eidem [illegible]

[illegible] [illegible] probinc

[illegible] se esse filium [illegible] Matthaei [illegible]

[illegible] [illegible]

[illegible] Bernardini [illegible] et ad [illegible]

[illegible] [illegible] praeposita [illegible] ; quod

[illegible] [illegible]

[illegible] ; quorum dicti

[illegible] eadem macie [illegible] Bona

in qua fuerant [illegible] iacentes qui multo [illegible] tempore [illegible]

[illegible] mortis [illegible] manet [illegible] [illegible]

Et [illegible] Christus [illegible] studij [illegible]

[illegible] 20 annum. Et ultra [illegible]

[illegible] ab omnibus [illegible] inuenten [illegible]

[illegible] Medico [illegible]

[illegible] tandem [illegible]

[illegible] Quodue atlige [illegible]

[illegible] effectus aliquo, [illegible]

a tanto tempore [illegible] ut [illegible]

talis est, [illegible] talia [illegible]

[illegible] exhibeant ad indicandum [illegible]

[illegible] [illegible] debeant [illegible]

debeant [illegible] indicando

[illegible] admittendi [illegible]

[illegible] quod esset [illegible] agere ad [illegible]

[illegible] in quantum [illegible]

[illegible]

[illegible] et [illegible]

[illegible] ad [illegible]

[illegible] et [illegible]

[illegible] admittendi [illegible]

[illegible]

[illegible] Bona [illegible]

[illegible] mortis [illegible] [illegible]

[illegible], et in [illegible]

quo [illegible], ut [illegible]

[illegible] Et dicat mihi quale [illegible]

[illegible] [illegible] [illegible] [illegible] vellet se contra [illegible] [illegible], atque
[illegible] vindicationem [illegible] certe [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] maiores [illegible]

[illegible] Bonorum nec [illegible] [illegible] [illegible] [illegible] [illegible] Antonius
[illegible] [illegible] [illegible] [illegible], ~~inde contra [illegible]~~
[illegible] quod alienationes ~~[illegible]~~ [illegible] quae illegitime factae fuerant
[illegible] in eundem [illegible] Bonorum [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] inde contra [illegible]
[illegible] [illegible] [illegible] actione [illegible] [illegible]; [illegible] [illegible] [illegible]
agere contra [illegible] Josephi; contra eos petere deputationem [illegible]
ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
inter [illegible] Petrum et Josephum [illegible] [illegible] [illegible], [illegible] [illegible] quod
in ~~[illegible]~~ [illegible] [illegible] dictum [illegible] [illegible] Joseph [illegible]
alienationes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] alienationes
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] voluntariae.

[illegible] non voluntariae sed necessariae fuerunt quo [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible] magis
[illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible] aut se [illegible] [illegible] [illegible] Antonius [illegible] [illegible] [illegible]
[illegible] et [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
Petrum et Josephum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ~~[illegible]~~ filius Petri et [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] quandam [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], in manutentione [illegible] [illegible] obligat [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] Antonius [illegible] [illegible]

[illegible] dict. [illegible]; Unde d. Antonius [illegible] [illegible] et Ecclesia Bernardaq. dimiserunt Baptista filius Petri nihil [illegible] in d.o Campo vocato delle Rote, nisi fuisset [illegible] terre [illegible] que [illegible] inter [illegible] [illegible] communia; et [illegible] [illegible] [illegible]; ideo et ab omnibus [illegible] [illegible] de ipsis [illegible] non [illegible] [illegible] remanere. [illegible] societate [illegible] remanere. deroçant

[illegible] t.s Joan.s Bernardini, et videbis quod d.us Antonius Cam[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Petri [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] filius, [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pr. [illegible] Bernardini [illegible] [illegible] devenerit in [illegible] quo [illegible] [illegible] [illegible] [illegible] [illegible] Anto. Felici, [illegible] modis, et [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] fol. [illegible] ~~[illegible]~~

[illegible] [illegible] d. Antonius [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] erat [illegible] [illegible] [illegible] [illegible]; et d. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cognoscens, quod a [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ ~~[illegible] [illegible]~~ ~~[illegible] [illegible]~~ [illegible] [illegible] [illegible] de [illegible] dicto Contracti [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] Contractus celebratus de anno 1628 [illegible] [illegible] [illegible] in quo ~~[illegible] [illegible]~~ [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] fuisse [illegible] [illegible] [illegible], et in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] integre [illegible] [illegible] et [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] ex [illegible] 1590; [illegible] 30 [illegible] [illegible] [illegible] [illegible] [illegible]

ipse Dominus habuit a Deo [illegible], ~~[illegible]~~ effectu

[illegible] Wilhelmus ipsa possidebit integre [illegible]

[illegible] licet in eas non habuisset a [illegible]

[illegible] exhibuisset [illegible]

[illegible] unde ad eas [illegible] legitime

[illegible] Wilhelmus ~~[illegible]~~ [illegible] ipsa tamen habuit [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] Bernardini [illegible]

[illegible] Wilhelmus, et [illegible]

[illegible] ad eas [illegible] ab eis potest amoveri; sed nec

[illegible] quatenus [illegible]

[illegible] videntur [illegible]

[illegible] intentare [illegible] agere, et [illegible]

Quorad interesse [illegible]

[illegible] interesse [illegible], [illegible] et in clausis, ut

[illegible] ex contractibus 1583, et 1586 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] intendens ex [illegible]

ab eisdem patre et fratre venditis [illegible], et

[illegible] anno 1623 integre

[illegible] quatenus [illegible]

ex contractu [illegible] amoveri [illegible]

quia cum ad contractum venerit [illegible] existentes

[illegible] quemcumque [illegible]

ex [illegible], nec [illegible] acquirere

quod nullum ius in dictis bonis Wilhelmus [illegible] Laurentius, an

[illegible]

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inde cum recessu [illegible] in possessione adinvenerit [illegible]
[illegible] agere potuit, et canonice [illegible]
obtinuit [illegible] emisit, quia nec [illegible] aliud, quam [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] agnationis [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] debet in eam manutenen
[illegible] [illegible] [illegible] quod de [illegible]

[illegible] ad [illegible] causa possessionis [illegible]
[illegible], [illegible] admissio [illegible]
in [illegible] agit ad [illegible]
asserit fuisse [illegible] [illegible] [illegible] in quantum
[illegible] [illegible]; [illegible] [illegible] ultra [illegible]
[illegible] [illegible]
[illegible] et [illegible] [illegible], et ad eisdem [illegible]
[illegible] possessionis [illegible] et [illegible]
[illegible] [illegible], ut inde videat
[illegible] [illegible] [illegible]
[illegible] admissione [illegible], cum ad [illegible]
[illegible], [illegible] de quo agitur, et [illegible]
[illegible] [illegible] tendant; Partes itaque [illegible]
[illegible] admittere, et examen [illegible]
[illegible] [illegible]

Sententia R.mi D. Abbatis S.ti Pauli quae a deberetur

dominae [illegible] in

[illegible] Religionis, adversatur

[illegible] et sententiae, ideoque in hoc iudicio venit [illegible]

quia sacerdos [illegible] dat

formam matrimonii [illegible] nisi, alia omissa

in contractus [illegible] in substantia, cadit, nec

aliquam videtur [illegible] nec pro

[illegible] in casu [illegible] forma

sine dubio censetur [illegible] pro

illius [illegible] taliter [illegible]

Iustitia, quia [illegible]

[illegible] sequuntur [illegible] matrimonii

[illegible] causa [illegible]

[illegible] utque [illegible] singulariter [illegible]

[illegible] voluntati [illegible]

[illegible], proque ipsa aliqualiter [illegible]

[illegible] proprima, taciturnitatis, [illegible]

[illegible] etc. [illegible]

[illegible] matrimonio [illegible]

~~[illegible]~~ singula ingenii ~~[illegible]~~
~~[illegible] [illegible]~~ iuventutis ~~[illegible]~~ calore utrumque
[illegible], et ~~[illegible]~~ excipienti quae tenendo [illegible]
~~[illegible]~~ [illegible], [illegible] ~~[illegible]~~ [illegible], iuvenis
~~in~~ [illegible] moribus, iucundo aspectu, clara [illegible] natu [illegible],
~~[illegible] et [illegible] Puellam [illegible]~~ Puellae, [illegible]
conditiones ~~[illegible] [illegible] [illegible]~~. Plura ~~[illegible]~~
[illegible] ~~[illegible]~~ suggerit, quae [illegible]
[illegible] ad [illegible] [illegible] [illegible]
ad [illegible] ~~[illegible]~~ mali iudicati et [illegible]
sententia ad ~~[illegible]~~ [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible]

In adeo valide [illegible] Romanus [illegible]
[illegible] [illegible] [illegible] manent [illegible] ut [illegible]
maneat [illegible]
exceptione ult. [illegible]
[illegible]

[illegible] admitti [illegible]
[illegible] quod in [illegible] [illegible]
accidentaliter [illegible]
[illegible]
ad [illegible] dictione [illegible]
[illegible]
[illegible]
[illegible] concludi quod [illegible] admitti.
[illegible] non possit [illegible]
ad [illegible]
[illegible] aut [illegible]
[illegible] improbant [illegible]
deduxit [illegible] ut quae clara sunt in dubiis
[illegible] et [illegible]
[illegible]

Pro [illegible] resolutione [illegible]
eo quod ex [illegible]
[illegible]
[illegible] attendunt tantummodo [illegible]
[illegible]
[illegible] Cod. de [illegible]
[illegible]

[illegible] dat [illegible]

[illegible]

[illegible]

[illegible] adque [illegible] et

[illegible]

[illegible] extendunt [illegible] et [illegible]

[illegible] quod [illegible] de

[illegible]

[illegible] et [illegible]

[illegible] et [illegible]

extendunt ad [illegible] alia [illegible], et [illegible]

[illegible]

[illegible]

[illegible] 16 [illegible] 128

[illegible]

Quaestionis est, an sequestrante [illegible] [illegible]
[illegible] terras a diversis compositi [illegible] tantas, facto
mandato et consensu sit, contra unum de [illegible]
[illegible] tapat executo, ~~[illegible]~~ ille [illegible] [illegible] contra, et
petere quod aliquod omnium sequestratorum fructus
veniant in quibus, et [illegible] pariter, fiat satis ~~[illegible]~~ ~~[illegible]~~
~~[illegible] [illegible]~~ qui sequestravit, et non aliter nec
alio modo.

Sentio ~~[illegible]~~

in hoc singulari casu, [illegible] pro [illegible] contra
[illegible] [illegible] et alio posse non petere ut
aliquod omnium sequestratorum fructus veniant, ~~[illegible]~~
aequaliter in omnibus, pro rata satisfiat et non
aliter nec alio modo.

Moveor, quia in iudicijs [illegible] [illegible] habitur, [illegible]
si [illegible] plures terras a [illegible] [illegible] in [illegible]
quod [illegible] in sequestrum, [illegible] omnes
[illegible] [illegible] ut [illegible] ad hoc ut satisfiat
proportionaliter in omnibus, non autem in fructibus
unius tantum, [illegible] quod ~~[illegible]~~ actione [illegible] [illegible]

[illegible] ce [illegible] [illegible] obstat [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] illius aut [illegible] [illegible]

~~agat~~ se allegaverit [illegible]

[illegible] debent [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] et ~~[illegible]~~ omnes [illegible] sequestratam [illegible] ad

[illegible] salvo [illegible] [illegible]

se [illegible] [illegible] et [illegible] [illegible] erit

de rebus, et in rebus in quibus exequi nequit integ[illegible]

re promiserat, nec in una earum [illegible] [illegible]

omnibus, ~~sed~~ est ratio, quia [illegible] [illegible] sed ratione

sua specialis sed rationis satisfaciendi [illegible] [illegible] fuerit [illegible]

quia satisfactione [illegible] [illegible] et [illegible] et [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

[illegible], ergo fructus [illegible] omnes [illegible] ad se sequestr[illegible]

et confirmationes adiunctas bona omnia sint [illegible]

et sic [illegible] [illegible]

Tertia, sunt a [illegible], in oratione [illegible]

[illegible] [illegible] [illegible] [illegible], sive et [illegible]

[illegible] sibi obligatos [illegible] tantum, habet [illegible]

dominus [illegible] totum in toto, et totum in [illegible] [illegible]

[illegible], sed ex post facto, id est ~~facto~~ eveniente sequestro in omnibus

terris, id est, in facultati illius [illegible] tenetis

tantum [illegible] ut fructus deducent et sive in illis [illegible]

[illegible], omissa postulatione, et deductione [illegible] fructuum

[illegible] debit [illegible] electioni facta, [illegible] omnes [illegible]

terras [illegible] publicatas [illegible], fructus omnes [illegible]

[illegible] ipsi [illegible] ~~[illegible]~~ [illegible] facere ut in omnibus

satisfaciat pro rata [illegible] ratio quia [illegible] [illegible]

[illegible]

Con forme alla Promessa di V. Molto Ill.re, che subito che le [illegible] il Molto Ill.re et Molto R.do [illegible] fratello mi [illegible] [illegible] et non mi [illegible] [illegible] de [illegible] [illegible] Molto Ill.re [illegible] me [illegible] mandarmeli [illegible] il [illegible] che [illegible] [illegible] mi dimostraro [illegible] servitore di [illegible] core ad ogni [illegible] [illegible] il mio amore [illegible] [illegible] [illegible] [illegible] Ill.re nell'[illegible]

[illegible] 37

[illegible] Ill.re
Servitore [illegible]

[illegible]

Unde cum iam ... dominus ~~et~~ creditor declarare in-
tentus omnibus ... debere, ut illi videri [illegible]
ur modo nolit ~~stare~~ continuare in [illegible], et
uti iam. Electo atque diversificatione illius, et alteratione
rerum quae in dictis ~~in~~ sequestro, et manuitis [illegible]
quod factum ... [illegible], cogitur ... iam est
[illegible], et ~~in [illegible]~~ [illegible]
praescripsit practicare. Sequestro et manuitio
sunt in processu fol. 1 et 2

?

sunt a superiori declarati [illegible] [illegible]
[illegible] esse [illegible] quod est certissimum, sed potest ius
illius [illegible] ex tali [illegible], ad unum [illegible]
[illegible] [illegible] ita ut ille totum [illegible], alij
vero nil [illegible], illud enim iniquum et
contra iuris dictamen, nam si [illegible] ut [illegible] pro
[illegible] [illegible] [illegible], [illegible] [illegible] pro [illegible]
[illegible], sed [illegible] diversificari omnes, cum
[illegible] ius illius [illegible] [illegible], sed [illegible]
[illegible]
ut libertati cuiusque ita ut quasi libertati [illegible]
[illegible], sed debet stare iuri, et [illegible] omnes
[illegible] communiter [illegible], [illegible]

[illegible]

[illegible]
? [illegible], dicitur in legem [illegible], et [illegible]
[illegible], auctoritate iudicis quod dicitur [illegible],
[illegible] sequestrum et in sequestro
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible], quod omni [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

Id quid [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] commuta
[illegible] pro [illegible] ut ex declarationibus quae [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] index ~~[illegible]~~ mandat [illegible]
de [illegible] integri [illegible] [illegible] [illegible] met ipsi
[illegible] dixit ; unde a' decretis recedere nequit
[illegible] ad de [illegible] [illegible] [illegible] [illegible] in [illegible] ca[illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] hic unde [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], [illegible] ad integri [illegible] [illegible]
[illegible] [illegible] [illegible] ; [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] matris [illegible], et [illegible] [illegible] [illegible]
transigere ~~[illegible]~~ [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] decreto, et [illegible] a' [illegible]
[illegible] [illegible] [illegible]. . .

Et dato [illegible] [illegible] [illegible] quod [illegible] [illegible]
[illegible] [illegible] [illegible] deberet, quod [illegible] [illegible] [illegible]
quod [illegible] ad [illegible] [illegible], metu quodam [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible]. [illegible] [illegible]
~~[illegible]~~ [illegible] ; [illegible] [illegible] [illegible] [illegible], ~~[illegible]~~ [illegible]
[illegible] quod ~~[illegible]~~ accedisset [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible] ; [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] obligari ad [illegible] [illegible]
hic [illegible] debet [illegible] [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

Non contenditur modo inter Ordinem dictis [illegible] et [illegible] Capuccinos ratione meriti; nec enim tentant dicti [illegible] fratres [illegible] ab ijs [illegible] sunt, sed etiam se subtrahere a [illegible] proprie, et iuridice [illegible] cadunt, sed [illegible] ratione [illegible] in qua sine [illegible] obtinere [illegible].

[illegible] Statilia [illegible] confirmationibus, [illegible] communi, [illegible] et [illegible] [illegible] [illegible] contra [illegible] nominis, [illegible] et [illegible]

Factum compendiose relatum est tale

Familia Pasqualinum recedens à Vicentino territorio
uenit in patriam Foriiulij, quo loci conduxit
à quondam Dño Hieronimo Tulutio siue dei
Conti de Tricesimo terras, modo tentas per Actorem, et alias per eius auctores in Mellarolo.
una cum Culmine carenti fabricis, prout
et terra plantis uiniferis nunc repiebantur.

Locatio, et conductio respectiue, licet non adsit, et
uideri possit, colligitur tamen facta de anno
1400 uel circa, probatur haec assertio satis clare
ex actis presentatis per Dñm R. n. conuentum fol. 13
per ibi

Ants dicit nullum extare concord...
saltem tale per quod impediatur quominus possit fabricare, prout fecit,
tam per se, quam mediantibus personis suorum
auctorum à centum annis citra, et ultra

Actus legitimi extensus de anno 1531 penultima
Martij fol. 11. sed ab anno 1531 usque in presens
deuoluti sunt anni biscentum, et ultra circiter

est ducentis ab hinc annis Pasquales conduxisse quæ dixi, et sic de anno 1400 uel circa

Ab anno 1400 u. q. ad annum circiter 1500 Pasqualesiꝰ dicti construxerunt domos altas à latere sinis.° in ingressu baiardij quæ fuerunt monstratæ ad occulũ Ill.mi et Cel.mo Dnõ meo, et sunt illæ quæ fuerunt de anno 1604 uenditæ per curatorem Bartholomei, et fratris tunc minorum Dnis aduersarijs. apparet instrumentum in fronte processus, nec constat fuisse contradictum erectioni explicitæ, nec etiã fuisse contentioné aliquã inter Dños directi et colonos dicta occasione, quæ ueritas solidatur per iã nominatũ instrumẽtũ 1604. Si namq. Dñi Franceschinis prætendissent domos subdictas fuisse excitatas contra præcepta aliqua iudiciaria illas non emissent pretio æstimato, ut cõstat emisse ex iã allegato instrumento et æstimatione ibi nominata

Est ergo constans dictum me monstrat domos uenditas, et emptas respectiue nulli iõ subiacere difficultati; sed ipsam constructionem à Dñis directi tunc temporis uiuentibꝰ fuisse concessã, et postmodum à successoribꝰ.

et sic

et sic, a Dño adversario pro [illegible] facti, hoc est, p[er] emptionē fuisse approbatam

[illegible] anno deinde 1500 vel circa fuit inhibitum conductoribus ne fabricarent, de hoc ma[n]dato prohibente non constat in processu, colligitur tamē sic rem se habere ex licentia edificandi subsequuta, quae est de anno 1519 p[ri]ma octobris fol. 12 ter. registrata, ubi conceditur facultas ipsis co[lonis] fabricandi [illegible] ad beneplacitū domus tam de muro, quam de paleis, et ut in documento [illegible] celebrato

Hac durante licentia fuit edificata cella vinaria [illegible] canipa pariter ab oculum ostensa Dño meo, et est illa, in qua D[omi]natio sua ill[ustri]s [illegible] veritates [illegible] libera [illegible], quae [illegible] tur ex serie postea [illegible] 1507, nam legitur in instrumento [illegible] p[rae]sentatu a [illegible] notatum de anno 1523 21 septembris [illegible] leguntur

Cum sit quod d. Bartholomeus de [illegible] obtinuisset sententiā contra Ant.[m] Pasqualis eius colonū de [illegible], quod non deberet facere aliqua meliorame[n]ta sine licentia [illegible] dictus d. Bartholomeus,

et Ant.[s]

et Ant. devenerunt ad talem concordiam.
quod Ant. possit facere unum porticum
sive portealem cum coopertum tanquam
est camina, et reducere in tabula porti-
cum de muro paleis coopertum

Est igitur certum caminam fuisse [illegible] fabricatam
virtute concordii 1519 pa octobris et porticum infrascripto
dicta camina sub [illegible] Oratio vestra audivit partium
advocatos, fuisse erectum in vim concordationis, ut
fuit hic intra adductum, et hic de voluntate Domini,
prout insertum item in mandato 1525 4 9bris
fol. 16 ubi adest inhibitio de non fabricando et de
demoliendo,

Mandamus tibi Ant. [illegible] quatenus
[illegible] lib 100 [illegible]
et [illegible] preter Portealem de muro
[illegible] funditus demoliri

Et habetur in sententia 1542 12 9bris fol. 26 [illegible]

Viso concordio diei 21 9bris 1519 in
quo convenerunt dicti [illegible] quod
Ant. possit facere unum porticum

cuppis

cuius costum et redditur stantia

Camera ergo cum portien est extra stabilitatis, prout sunt et stanza artum, nunc habitata, nec licet cu ina cum n terrena continua pre domi filiaru Bartholomei Horrio destup qua ora vidit Eraticilira, fill. et Colmo ad rectitudin. hac in qua caret et sunt vere melioramenta Bartholomei, in quibus nulla ca vic controversia in eod facta appareant de consensu Dnor, ac postmodum ratificata p ipsos, et in sententiis nominata, ac talia declarata p iudices, prout hic aliis patet indubitate ex relatis.

His ut modo stantiis, in lata cessit Ant.s Pasualis, cui successit Simon filius, Pater Bartholomei, qui in hoc iudicio sustinet vices Actoris, hic Simon eod esset minor, et sub curaria Josephi Cocolio subiti impialis ingens naufragium sustinuit, fuit enim exemptus a terris iam dictis parte Dna Aleusie, qua in secundis notis nupserat ecc. Dno Georgio Francischinis iurisconsulto in nra Civitate crimi

ac

ac sagacissimo. Huius consultissimi viri [illegible], uxor ad comeatum devenit, consisi utera tam in pueritia Simonis, quam in nequitia, et prava conscientia Curatoris, [illegible] spe frustrati sunt, imo ad nota eis res excidit. Curator enim predictus, omnio inonestus (ut est [illegible]dum) Dei timore postposito, profligata conscientia, iure tam divino, quam humano [illegible], Pupilli interesse omisso, damno illius gravissimo non considerato et si considerato, malitiose affrettato et [illegible], cessit comeatum, et sic renunciavit iuri quasito tam Simoni Pupillo, quam eius auctoribus [illegible] annis centum quinquaginta quod est [illegible] colonia à tanto tempore formata, et ab uniformi [illegible] [illegible]. totum [illegible] soluta irrevocabiliter stabilita. cessit inquam Comeatum vir improbus, nullo peritorum consilio requisito, nulla cum [illegible] iunctis, non etiam cum bonis, et [illegible] participatione permisso sed solis interessatissimis Dni [illegible] insufflationi credens, et propriam turpitudinem, sicq. dam

navi

nabile uulnerum cordi habens: et ne absq. aliqua sal-
tem colorata causa ad tantum scelus deuenisse uide-
retur, utq. uersutia ecc.mi d. Georgij (qui auctor
fuit omnium) tegeretur, sub nomine ficti ac palliati
concordij fuere [illegible] gesta, ut patet ex contractu [illegible]
[illegible] 1562. 15 Xbris fol. 42 ter. ubi conuentum fuit,
conductum procedere debere, cum hoc, quod iura par-
tium salua forent hinc inde, et reseruata circa me-
lioramenta quocumq. tempore et loco, quodq. esti-
mationes iam facta per estimatores electos deberet
poni ad perpetuam memoriam penes notarium [illegible]
absq. alia publicatione; et e contra fieret locatio
Pupilli iure simplicis affictus, et [illegible] in dicta interessa-
tissima, extorta, et damnosa locatione, per quam
iura pupilli [illegible] conculcantur, ut uidentur, et eua-
nescunt, leg. perpetuo in termino, fit uerus, ac sim-
plex, et amouibilis colonus

Locatione seguta, et facto hoc tam [illegible]
simon tunc [illegible] fuit in conductione
[illegible], etiam postquam [illegible], timens contra[illegible]

cere

cure gestis curatorem, et dubitans de vita eius
qui timore eius in constantem uerificadit, tandem
et ipse vita functus est, cui Bartholomeus filius
modernus Rector, et tunc minor successit. Hic etiam
sub Valentino curatore uixit, in quo oratione predi
secum conditionibus allegatis, et quia Dni Francis
chini carebant domo Ducali in dicta uilla meli a
re hic fuit more solito inductus curator Bartholo
mei de anno 1604 29 Nouembris accedente ...
Vendidi ijsdem domum magnam positam in cortino à
latere sinistro in primo ingressu, de qua ...us fuit
uictu, et in ... Bartholomeus, et ... antea su
... habitabant loco et ..., quam ...
sibi et successoribus à fundamentis construerant.
Vendita domo, et propterea euacuata, erat necesse
Bartholomeo prouidere de culina, et horreo pro
bladis, et alijs ... pro dormitu suo fratrum
et familiae, in dicta namque ... Patroni ...
... alienata, tota familia die noctuque
suas habebat commoditates, sicut et bladi ibidem

reponi

reponebantur.

Bene re considerata, videns in cellario seu canipa hoc fieri non posse, cum necessitas servandi vini alium suaderet, et cernens nullas aliastamen esse fabricas in Dimine, praeter stabula animalium a suis auctoribus edificata necessitate conditionum, quinimo imcellente, cogenteq., in istis stabulis culina, et cameram unam parvam adaptavit, et illam erectione in altitudine [illegible] desup. horreum cum [illegible] cubiculum procuravit. Haec omnia vidit Ill.s et R.mus Dnus meus, cui fuit etiam demostrata ad oculum erectio pallegata, et dictum tantum solum fuisse aptatum, quantum sufficeret pro incomoda commoditate totius numerosae familiae, quod si non fecisset, vel erat omnino sub dio dormiendum, vel ad novas conficiendas fabricas deveniendum, sed primum erat contra bonos mores et contra ius [illegible]enda valetudinis, secundum nimis dispendiosum pauperi villico, ideoq. pro minori damno, et pro parcendo gravioribus impensis stabula ipsa fuere accommodata, et hominum mansioni facta, nec alia urgente

te

re causa, quam ut Dnis daretur comoditas habi=
tationis, cum ullam, dico penitus nullam haberent,
licet de suo opere iam Bartholomeus lapidetur.
Excitatis stabulis ad altitudinem Dnationi Vrae demo=
stratā, et extructis animalib. agricolturę inser=
uientib., oportuit ipsis quoq. providere, ne uacantes
et cęlo expositi remanerent. Unde à Bartholomeo
fuere edificata stabula paleis tecta à parte supe=
riori transuersa ??, pariter Dnationi Vrae ad oculum
monstrata, quae dici debent de mandato et concessio
ne Dnorum de Franceschinis constructa, cum ipsis fuerint
domus ut supra cessa cumq. oportuerit stabula pro ho=
minib. aptare. et haec pro animalib. erigere. ideoq.
non contradixerunt edificio licet adessent, uiderent,
et cum magistris familiarentur ut fuit probatum per
testes sup capitulis 3 et 4 fol. 49
Sed nec etiam contradixerunt dum area construeretur
pro rebus reponendis cum ib. instrumentis ruralib.,
bladis nondum trituratis, feno, et stramine pro susten=
tatione bouum et fimo faciendo pro cultivando et ta=

men

non uidebant construi, et laudabant, ut testes sup. 5.° capitulo Pasqualis effantur uno ore.

Nec minum si tacebant, hoc facto consentiendo fabricationi, opera namq. erant necessaria, dico necessarissima, et sine quib. coloni morari non poterant, eo quod sine animalib. terrae non reguntur, agri non pinguescunt et instrumenta alia pro agricolis, et agricoltura custodiri non possunt, de hac uera reali, sincerissima, et ineuitabili necessitate habetur in capitulo decimo probatur q. plene p. testes ibi examinatos, qui optime informant conscientiam grauissimi Iudicis pro Bartholomeo.

Tale est factum, et haec sunt melioramenta Pasq.lis, tam illor., qui alias uixerunt, et primo terras conduxerunt, quam illor. quib. fuit secundo locatum iure simplicis affictus

Pars dictorum melioramentorum legitur facta antiquitus ab auctorib. Bartholomei, et hic ante annum 1561, quo anno fuit illaqueatus Simon pater ipsius a Cocolutio curatore, et reductus ad ius simplicis affictus, ubi antea

habebat

habebat ius utilis dominii et perpetua ... nis
Hor pars potior, videlicet domus vendita Dominis Franceschi-
nis adversariis, camera cum portica, stabulaque ultimo
loco reducta pro habitatione Bartholomei, et eius fami-
liae fuere cum licentia expressa Dominorum facta, ut probatum
apparet ex lectura locorum supra citatorum ita ut nulla ad-
sit hesitatio concludendi ita se rem habere, Accurremque
Excellentissimo iudici vera referre

De alia parte, credi debet, fuisse facta de consensu saltem
Dominorum si non expresso, tacito ac tali qui vim expressi
habet, scire namque poterant Domini Franceschinis prout ve-
re sciebant, quod si Pasouelles eis domos maiores, in qui-
bus coquebant, dormiebant, blada servabant, et alias
commoditates habebant pro usu rei familiaris, vendidis-
sent fore illis necesse tantundem alibi vel de novo
~~.......~~ ... , vel quid iam constructum, aptare, unde
haec scientia et notitia rei certae, veluti antecedens
firmissimum trahit secum consequens necessarium. Do-
minos Franceschinis accommodasse eorum velle, sicque con-
tentasse et tolerantia rei futurae, stare la aptari ad
habitandum ... stabula conficere pro animalibus,

sine

sine quibus stabulis, totius rei Rusticae summa corruisset.

Tandem quicquid fuit factum in metamorphosi stabulorum transformatorum in culina, cubiculis, et horrea, inque aedificio aliquo pro usu iumentorum, et similium, inque sua confectione, hoc totum attribui debet inevitabillissimae, ac

[illegible] ultiam esse inter Universitates [illegible]

[illegible] ex aliis [illegible]

[illegible]

[illegible] damnum, ut [illegible] [illegible]

[illegible] [illegible]

[illegible] in [illegible]

[illegible] quod [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] quos.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

debebant [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] illam fuisse [illegible]
[illegible] legitime constat ; ~~[illegible]~~ [illegible]
[illegible]

[illegible]

[illegible] cedi [illegible]

[illegible] Afflicta [illegible]
[illegible] tabex [illegible]
[illegible]

[illegible] Nobilis [illegible]

n. cap. 2. de excepto in quinq. [illegible]

[illegible] ouvres [illegible]

in loco habitationis [illegible] obtineret [illegible]

huiusmodi sunt in eius. [illegible]

lib. n. 3. de pace tenend. [illegible] 200 n. [illegible]

n. 1634. sub. [illegible]

[illegible]

[illegible] Cotteras [illegible]

[illegible] ad [illegible]

[illegible]

via Cotteras aut [illegible]

[illegible] et damn. [illegible]

[illegible]

[illegible] loc. [illegible]

[illegible]

[illegible] illa animi [illegible]

[illegible]

[illegible] memoria

[illegible]

ut deducitur [illegible] Capit. [illegible]

[illegible]

[illegible]

[illegible] ad [illegible]

[illegible] de Patano [illegible] 1328. [illegible]

[illegible] nos ut [illegible]

[illegible]

Cui antiquitati [illegible]

[illegible]

[illegible] ego [illegible]

[illegible] De anno 67 [illegible]

Iosephi [illegible] ad [illegible] mariq Kassienin [illegible]
[illegible] exsentu [illegible]
nec illud carnaliter [illegible]

Quod [illegible]
[illegible] civitate [illegible]

[illegible] habitante [illegible]
[illegible] illa morte gravi ad [illegible]
Quod [illegible] immediate [illegible]

Quod tunc [illegible] ultra [illegible]
[illegible] carnaliter [illegible] negavit

[illegible]
eius Parentibus; dixit velle ire ad [illegible] Civitate [illegible]
[illegible]
ab eis licentia discessit [illegible]

partibus Stiriae ad Unam Villam de [illegible]
[illegible] nasse [illegible]
[illegible]

[illegible]
[illegible] in civitate [illegible]
[illegible] in illa civitate ad [illegible]
[illegible]
[illegible]

[illegible] ~~[illegible]~~ ad illa [illegible]

[illegible] ~~[illegible]~~ [illegible] [illegible]

[illegible]

dat in [illegible] conjugales modo, et forma [illegible]

[illegible] animus [illegible]

~~[illegible]~~ [illegible]

[illegible] (~~[illegible]~~)

[illegible] in [illegible] [illegible] intarire

[illegible], capillos [illegible] explicando, et [illegible]

[illegible] ad [illegible]

[illegible] fuit a [illegible] [illegible]

[illegible] asserendo

[illegible] in illo [illegible], ~~[illegible]~~

~~[illegible]~~ [illegible]

~~[illegible]~~ [illegible]

quod [illegible] [illegible]

Quod originale [illegible] [illegible]

[illegible] et [illegible]

~~[illegible]~~ [illegible] quod dicta [illegible]

[illegible] in [illegible] [illegible] Mariae [illegible]

[illegible]

Quod [illegible] [illegible]

[illegible] fides data fuit quod [illegible]

[illegible], ~~[illegible]~~ [illegible]

Quod Maria [illegible] [illegible]

[illegible]

Quod [illegible] [illegible] et ~~[illegible]~~

[illegible] [illegible]

Respondit ut rediret ad [illegible] in [illegible], et illam [illegible]

Quod ~~ante~~ ~~[illegible]~~ [illegible] in [illegible] matrim
in [illegible] neque patrem [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]
Quod [illegible] [illegible] [illegible] dicit ~~[illegible]~~ aliter [illegible]
[illegible] ut post [illegible] [illegible] celebrationem, nec [illegible] [illegible]
[illegible] [illegible] [illegible] ipsam Mariam [illegible]
[illegible], et [illegible] [illegible] [illegible] [illegible]

Quod ex facto [illegible]

[illegible] ante matrimonium [illegible] et [illegible]

[illegible] Matthaeus [illegible] ~~[illegible]~~ et Maria [illegible]

[illegible] maximo [illegible] ubi sunt [illegible]

datus fuit [illegible] Matthaeo [illegible]

[illegible] in loco [illegible] ~~[illegible]~~

2 Hac Matrimoniali causa ad Lanc[illegible]

delegatus demandata [illegible] quem modo [illegible]

debet; [illegible]

[illegible] scilicet modo [illegible] [illegible]

~~[illegible]~~ [illegible] matrimonium [illegible]

[illegible] contractu; ~~[illegible]~~ [illegible]

[illegible] quae [illegible]

[illegible] ante [illegible]

[illegible]

[illegible]

[illegible] contractum, et [illegible]

[illegible] Matrimonium [illegible] de quo est lex in cap. [illegible]

cap. [illegible] ex [illegible] in cap. [illegible] de [illegible].

Alii contrahebant [illegible] de [illegible]

[illegible]

in cap. [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] Matrimonia Clandestina

[illegible] 25 [illegible]

[illegible] Petrus [illegible]

n.° [illegible]

[illegible]

In casu aut non s'accendat [illegible] status [illegible] [illegible] [illegible] [illegible] tractat [illegible] de [illegible] [illegible] verbis de [illegible] contractu, [illegible] [illegible] [illegible] videat [illegible] matrimonium [illegible] [illegible] accipere Mariam in uxorem. [illegible] eundem ~~[illegible]~~ ~~[illegible]~~ [illegible]

Modo aut nulli est dubium [illegible] huiusmodi matrimonium [illegible] et absq. interventu Parochi [illegible] damnatum a sacro Concil. Trident. [illegible] matrimonium [illegible] [illegible] modo [illegible] [illegible] in [illegible] sponsalium [illegible] stant modo contrahentes [illegible] iudicialiter cogi possint ad [illegible] [illegible] servata forma Concilii prout censuit sacra Cardinalium Congreg. super dicto Concil. Trident. [illegible] [illegible]

Et dato [illegible] [illegible] [illegible] quod contractus matrimonialis clandestine [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]; [illegible] [illegible], [illegible] ~~[illegible]~~ [illegible] [illegible] celebrationis cogi [illegible] [illegible] [illegible] [illegible] ista Maria

Item ~~[illegible] [illegible] [illegible]~~

[illegible] examinato [illegible]

[illegible]

[illegible] hinc [illegible]

[illegible] omnes [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
stat [illegible] quid [illegible]
[illegible] ad [illegible]
aliquid [illegible] [illegible]
[illegible]
[illegible]

[illegible] quod [illegible] [illegible] alia [illegible]
[illegible] ad [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] de [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] d'Perilune [illegible] d'Natale [illegible]

ex [illegible]

[illegible] Marinus, quia [illegible] quod [illegible]

[illegible]

[illegible] debeat [illegible]

[illegible]

[illegible] a d. Bottemanno [illegible]

[illegible]

[illegible] Bottemann [illegible]

[illegible]

[illegible] absoluta [illegible] obtinuit talem qualem [illegible]

receptus: ~~[illegible]~~ Modo [illegible] obtinuit [illegible]

[illegible] obtinuisset et eidem [illegible] receptus [illegible]

1622 quatenus ipsum admitteret [illegible]

Bottermannus [illegible] ad ipsum receptum [illegible]

Marinus absolute [illegible]

[illegible] 1623, et de ea [illegible]

~~[illegible]~~ sic rem se habere, [illegible]

[illegible]

[illegible] ad d. [illegible] haeredes [illegible]

[illegible]

et mar[illegible] [illegible]

[illegible] [illegible] duo [illegible]

[illegible] Deane [illegible] latine [illegible]

[illegible]

[illegible] maius [illegible] autem [illegible]

[illegible]

[illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible]

~~[illegible]~~ que [illegible]

[illegible] ~~[illegible]~~ [illegible] anni [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible]

[illegible] Dent [illegible]

[illegible] dicta [illegible] Antonius [illegible]

[illegible] pater [illegible]

~~[illegible]~~ ; Ant. n. Hæredes os Botte [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] eas [illegible] ~~[illegible]~~ aut [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] late [illegible]

[illegible] flex [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
Articulis et petitionibus [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] admitti et [illegible]
admiss. parte [illegible]
Marie [illegible]
[illegible] admiss. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
et [illegible] aliqua [illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible] et de [illegible] 2do, 3° [illegible]
[illegible] ac instantem instantis [illegible]
[illegible] quo supra dari et concedi petit

[illegible] quod [illegible] quod [illegible]
[illegible]
[illegible]
[illegible] cautele [illegible]
[illegible]
[illegible]

[illegible] notad quod infra
Confinia [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible] Convenimus quod [illegible]
intra [illegible] Confinia [illegible]
[illegible]
[illegible]
Consuevimus
[illegible] quod [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Fr. 28. 163. 22 [illegible]

[illegible] Augustinus [illegible] de
[illegible] omnes [illegible]
[illegible] et [illegible]
concordant omnes [illegible]

Et notetur quod infra hec confinia [illegible]
iacent bona [illegible]

Fr. 2 [illegible]
[illegible]
Quod [illegible] est
[illegible] inter omnes de canali
Quod in eo illi de [illegible]
ubi [illegible] canalis fuere [illegible]

Fr. [illegible]

[illegible]

Notetur quod [illegible]
[illegible]
Quod [illegible]
Et quod in eis [illegible]

[illegible]

N.º 7	19		3
N.º 10	13	3	
N.º 12	14		
N.º 14	19	9	1
	10	9	2 1/4

[illegible] 2 9 2 1/4

[illegible] ante, [illegible]
[illegible] aliquo privilegio [illegible]
[illegible] pariter [illegible]
[illegible]

... di misura d' altezza, et larghezza di misura d...

... ūna dispensata per il ...

ongonevanono il ...

[illegible]

[illegible]
... Commissariis ... [illegible]
... Antwerpen ... [illegible]
quod Antwerpiae ... [illegible]
... [illegible]

Et ... de ... [illegible]

[illegible] ... accepta ... [illegible]
... [illegible]
... [illegible]

[illegible]

Fer. ... ... Februarii 1678

... [illegible]
... negandum ... [illegible]
... [illegible]
... [illegible]

... negativa ... appellatione
quod ... [illegible]
... [illegible]

[illegible]

[illegible]

ipsius ab onere solvendi proventus [illegible], cum [illegible]
aeris pro ratis anni 1622 [illegible]
[illegible] ipso [illegible]
[illegible] Bellarmini [illegible] ille cum [illegible]
[illegible]
[illegible] extinctione
[illegible] debita [illegible]
[illegible] aliquod
[illegible] exceptionis; sed actionis, nec
[illegible]
[illegible] exceptioni
[illegible] retentionis
[illegible] [illegible]
[illegible] Protonotarius [illegible]
[illegible]
[illegible] et integritas [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 1622 [illegible]
[illegible]
[illegible] de ipsis [illegible]
[illegible] satisfactus [illegible]
[illegible] ipsius [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 1622 [illegible]
[illegible] ducto calculo [illegible]
[illegible] tandem [illegible]
[illegible]

[illegible] modo [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] materie
[illegible] ex [illegible] [illegible] [illegible] [illegible] validitate
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] materie [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] intellectu, [illegible] [illegible] [illegible] [illegible] [illegible]
in quo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] nec in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], ~~[illegible]~~ [illegible]
~~[illegible] ad materi[illegible]~~ [illegible] ~~omnis~~ [illegible] ~~[illegible]~~
Quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] essent ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] attenta [illegible] [illegible]
allegata nihil [illegible] in [illegible] [illegible] [illegible] obligatione
[illegible] quia [illegible] [illegible] [illegible] de [illegible] [illegible]
Quod [illegible] [illegible] [illegible] de [illegible], [illegible]
contemplat[illegible] [illegible] [illegible] [illegible] [illegible] intelligentes
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et
[illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], itaut dici possit, quod contemplat[illegible]

Ille ~~[illegible]~~ [illegible] in eius [illegible]
et [illegible] [illegible] [illegible] nec [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] obligationis et promissionis [illegible]
[illegible] sed [illegible] [illegible].

Et tamen quod [illegible] [illegible] in [illegible] [illegible]
ex [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] se obligandi
~~[illegible]~~ modo et [illegible] quibus [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ et [illegible] Mariae ~~[illegible]~~ [illegible] quibus
[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] a D. Michaele
[illegible] [illegible] Mariae [illegible] ~~[illegible]~~
conditione et pacto inter [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
modo molestari

[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] quod Maria [illegible] [illegible]
[illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] certe non, imo [illegible] [illegible] [illegible]
debet [illegible] [illegible] [illegible] [illegible] Mariae
[illegible] [illegible] [illegible].

[illegible] modo [illegible] [illegible] [illegible] [illegible], et dico [illegible]
[illegible] in casu matrimonii clandestini
[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] secundum, et [illegible]

~~[illegible]~~ ultimis stetit mixta tex:

Unus marcellus et maria de matrim. inter se dicun. [illegible] et coram uobis testibus facias, alijs in interlunio [illegible] [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ Matrimonium inter [illegible] per uerba de presenti contraxerunt [illegible] [illegible] [illegible] aut per uerba de presenti contraxerint [illegible] in [illegible] [illegible] in illis uerbis

Ego [illegible] [illegible] [illegible] en [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] saluatis [illegible] [illegible] <u>nunc</u>

[illegible] [illegible] destinauit coram testibus [illegible] habes [illegible] [illegible]

[illegible] [illegible] ratione [illegible] [illegible] destinaimus

Ex quibus omnibus patet [illegible] Matrim. clandestinum [illegible] [illegible] et [illegible] a sac. Conc. Trident. sess. 24 [illegible] quo tamen matrim. aliter facto [illegible] ~~[illegible]~~ [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] igitur [illegible] matrim. [illegible] [illegible] ipso [illegible] [illegible] [illegible] [illegible] [illegible] maria ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] per uerba de [illegible] [illegible] [illegible] maria [illegible] ~~[illegible]~~ [illegible] [illegible] matrim. [illegible] de nouo contrahendi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Cuius tenoris sunt ~~[illegible]~~ Aurea Verba

[illegible] Marcus [illegible]
[illegible] et [illegible]
ambo Paduanae Dioecesis [illegible]
[illegible] de matrimonio inter
se contrahendo [illegible]
duobus [illegible] testibus [illegible]
aliquo sacerdote [illegible]
inter se [illegible]
[illegible]
[illegible] decreto [illegible]
[illegible]
Parochi seu alterius [illegible]
seu ordinarii licentia, et duobus vel tribus [illegible]
matrimonium huiusmodi [illegible] testimonia [illegible]
ita ut contrahentes [illegible]
ad denuo contrahendum [illegible]
[illegible] huiusmodi [illegible]
Congregatio Concilii censuit [illegible]
[illegible]

Quid [illegible] contrahentes [illegible]
[illegible] matrimonii [illegible]
[illegible] ~~[illegible]~~ intervenerant [illegible]
sponsalia [illegible] verba de futuro, ut [illegible]
[illegible] in Processu fol. [illegible]
[illegible] contrahentes [illegible] verba de praesenti [illegible]

[illegible] contrahi[illegible] in verba de [illegible]
[illegible] et [illegible] ad [illegible]
[illegible] acceptet de futuro [illegible]
[illegible]
[illegible] matrim. [illegible]
[illegible]
de futuro, ita ut contrahentes [illegible] ad [illegible]
[illegible]; et [illegible] a [illegible]
nec [illegible] nec [illegible]
[illegible]
2°. [illegible] ad animum contrahendi, ad ipse sit in [illegible] matrimonii
non contemplatione matrimonii sed [illegible], sed [illegible]
[illegible], et [illegible]
ut suis locis, et tempore ostendam, et clare [illegible]
[illegible], et [illegible] sententia quae
[illegible], damnat ad [illegible] ad
matrim. sit [illegible], nec [illegible] nec [illegible]
[illegible]

Et dato [illegible] modo disputationis, [illegible]
quod [illegible] clandestinum matrim. permittet in [illegible]
[illegible], tamen nullo modo [illegible] adhuc
[illegible] matrimonii [illegible]
[illegible] verba de futuro multas [illegible]
[illegible] et [illegible]
[illegible]
impedimenta Error, Conditio, Votum, Cognatio, Crimen

cultus disparitas, Vis, ordo, ligamen, honestas
si sis affinis, vel si coire nequibis
haec socianda vetant connubia, [illegible] retractant

Igitur una ex predictis causis sit, ne dum impedimentum
sed et dirimendum [illegible]
[illegible]
[illegible] una ex predictis causis [illegible]
[illegible]
[illegible] [continuant] ad [illegible] absolvendum.
disparitas cultus conditionis.
~~disparitas simplex conditionis~~
disparitas ~~quasi~~ cultus
[illegible] ~~[illegible]~~ defectus [illegible]

Disparitas [cultus] [illegible] conditionis [illegible]
~~[illegible]~~
[illegible] et [illegible] et ~~[illegible]~~ infideles
[illegible] existendo, nam [illegible]
est distantia [illegible] fidelis Unde inter ipsos matrimonium
[illegible] prohibetur [illegible] in cap. Cane. et in
cap. non oportet 28 quest. [illegible]; ~~[illegible]~~ et [illegible] quidem
[illegible] [illegible] [illegible] institutum in [illegible]
[illegible] Matrimonium et sacramentum [illegible] esse non possent [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Sacramenti incapaces, ut patet [illegible]; Unde [illegible]
[illegible] ~~[illegible]~~ [existente] [illegible] matrimonium [illegible]
[illegible] non [illegible]
Accedat quod [illegible] Matrimonii [illegible] [illegible]
omnino [illegible], ob quod Matrimonium [illegible]
[illegible] [illegible] [illegible]

ad originem eius [illegible] educari [illegible] apud
Parente, educari deberet; cum Parentes religione disparatae
quomodo [illegible] [in religione Christi] educari [illegible]
modo, [illegible] quod [illegible] ad eius
[illegible], et sic [illegible] filios [illegible]
[illegible] ad eius [illegible]
[illegible] et ad [illegible] educare, [illegible]
[illegible] in Decretor. cap. [illegible] cognovit [illegible]
[illegible]
dicto eius ~~[illegible]~~ praecepto, [illegible] formalis [illegible].

Quia seducunt filios [illegible], ne sequatur [illegible] et
ut magis [illegible].

~~[illegible] quos in [illegible]~~ [illegible]
in [illegible] omnis [illegible] ~~[illegible]~~ [illegible] in illis [illegible]
[illegible] cum infidelibus, [illegible]
[illegible] ad iniquitatem, aut quae [illegible]
[illegible], aut quae [illegible] cum infideli.

[illegible] ex [illegible] ~~[illegible]~~ [illegible] communis
absolute ~~[illegible]~~ inter fideles, et [illegible] matrimonium [illegible]
et de hoc [illegible] matrimonio [illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] dominium [illegible] in [illegible]
[illegible]
[illegible] et [illegible]
afficiet [illegible], et [illegible] labefactaret [illegible]
[illegible]
[illegible] fideles [illegible]
[illegible] ~~[illegible]~~ [illegible]

[illegible] exemplum [illegible]

[illegible] ad [illegible]

[illegible]

[illegible] concedendum [illegible]

[illegible] facere [illegible]

[illegible]

[illegible] memoria [illegible] [illegible]

[illegible] debeant et hoc [illegible] discedere et [illegible] unde quid agendum [illegible]

[illegible] catholica que [illegible]

[illegible] dicat quod in [illegible]

~~[illegible]~~ [illegible]

~~[illegible]~~ [illegible]

et fideles [illegible] ~~[illegible]~~ [illegible]

[illegible] damnatur ~~[illegible]~~

ex [illegible] ~~[illegible]~~

Religionis, quo tempore, ne dum in [illegible] Romanis [illegible] prohibuit matrimonia [illegible] cum haereticis et fidelis [illegible] haereticos istos ~~[illegible]~~ existimat [illegible] ut est [illegible]; nec [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. Et [illegible] a [illegible] ~~[illegible]~~ Romana Ecclesia [illegible] ex [illegible] [illegible] ~~[illegible]~~ matrimonia et nec [illegible] [illegible] qui [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible]. Et [illegible] quia matrimonium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] inde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. Et quod matrimonium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et id quidem est [illegible] [illegible] [illegible] [illegible] Ecclesia [illegible] [illegible] [illegible] matrimonium propter periculum fidei imminentis [illegible] ac [illegible] inde nascitur, ut est legere ex [illegible] [illegible] canone 13, ex Concilio Eliberitano [illegible] [illegible] [illegible] [illegible] [illegible], ex Carthaginensi [illegible] 12 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] matrimonium [illegible], docet [illegible] ~~[illegible]~~ 139 [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 6a, et [illegible] post multos alios [illegible] de [illegible] de matrimonio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] mortalium quae [illegible] debent admitti [illegible] [illegible] [illegible] [illegible] [illegible] sententiae [illegible] debere quia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

quod [illegible] ut [illegible]

[illegible] obligationes [illegible]

[illegible]

[illegible] la liberatione [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 2da [illegible]

[illegible]

[illegible] Michaele [illegible]

[illegible]

[illegible]

[illegible] leg. aquis [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

alicuius consanguinitate, [illegible]

[illegible] ut ait Horatius lib. 4° [illegible]

[illegible] sententia [illegible]

[illegible]

[illegible]

[illegible]

quod quidem stagnum debet procedere [illegible]

[illegible] ut ait Horatius lib. [illegible]

[illegible] Animae [illegible]

quod hic pertractabat non de Amico, sed de Amica, et

Amica dilectissima; hoc volebat [illegible]

[illegible]

[illegible] Prudens, et Constans [illegible]

[illegible] ad celebrationem

[illegible]

[illegible]

morte, immo ne dum a morte corporis; sed animae

[illegible]

[illegible]

[illegible] a [illegible]

[illegible]

[illegible]

[illegible] et ab

[illegible]

[illegible]

[illegible]

[illegible]

Contracti decepta a Domino Mattheo, et [illegible]

[illegible] ut clare habetur in Primordio [illegible]
[illegible], et inaequalibus [illegible] [illegible] continet
[illegible] [illegible], et [illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible] modo [illegible]
[illegible] et declaratio [illegible]
[illegible] natura [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] sed in humano [illegible]
[illegible]
[illegible]
[illegible] celebrans [illegible]
[illegible] modo aliquo [illegible]
[illegible] sed [illegible] maximum
[illegible]
[illegible]
[illegible]
[illegible] probari [illegible]
eo quia Reus in exceptionibus [illegible]
nimis regulas; [illegible]
[illegible]
[illegible]

[illegible] Pucelluus est [illegible]
[illegible] Nobilitatis [illegible]

[illegible] appellare [illegible]
[illegible] maxime [illegible]
[illegible] multa [illegible] aestimationis [illegible]
[illegible] et ne dicit ipse; sed [illegible]
[illegible] cognovit eadem [illegible]
Pucellus [illegible] auxilium seculare [illegible]
eius sententia dicens eadem [illegible]
et [illegible] matter [illegible]
est maxime disparitas inter [illegible]
et [illegible]
[illegible]
Nec dicat Marius [illegible]
hoc potius abest a veritate [illegible]
iudicetur obiectum eius [illegible]
[illegible] assertionibus [illegible]
et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ad quid [illegible] intelligo [illegible]
[illegible] Marius [illegible]
[illegible] deceat [illegible]
[illegible]
Nec debent [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
2 [illegible] extantas [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
n°. 3 [illegible] de [illegible] 60 [illegible]
ad [illegible] de [illegible]
[illegible]
[illegible]
[illegible]
[illegible] de [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] in ista quaestione [illegible]
[illegible] de [illegible] et [illegible]
[illegible] dignitas [illegible] Circumstantias
[illegible] Circumstantiis et
[illegible] 255 [illegible]
[illegible] capite [illegible] in capite [illegible]
Locus de Circumst. Bart. in capite quinto [illegible]

adulter [illegible] dicat quod [illegible] ad fornicationem [illegible]
[illegible] ad causam et [illegible]
[illegible] fornicatam modo et [illegible] de qua [illegible]
[illegible] est fornicata [illegible]
non posset [illegible] Matth. [illegible]
[illegible] quemadmodum [illegible]
[illegible] est fornicatam [illegible] et inde [illegible]
[illegible] intendere [illegible]
[illegible] male [illegible] et malum [illegible]
[illegible] est [illegible]
[illegible] castitas
[illegible] admitt[illegible]
[illegible] Et Primi Loci Circumst[illegible]

-inant ad [illegible] racti [illegible] assensus [illegible]

[illegible] Eminitate [illegible]

[illegible] huius. Cuius [illegible] tamen [illegible]

Et [illegible] ~~ad temporum~~ dubitate [illegible]

qua [illegible] ad Constituenda [illegible]

asserti damnati [illegible] Et ad docend. [illegible]

ni tantum [illegible] ni quantum

[illegible] sunt [illegible] quod nullas [illegible] non [illegible]

[illegible] circa ad probandu [illegible] ~~[illegible]~~ sunt

[illegible] rationale [illegible]

Que omnia [illegible] Comulata [illegible]

[illegible] non [illegible] Lectaverit, sunt nul [illegible]; sed [illegible]

[illegible] ~~[illegible]~~ [illegible] Et damnato [illegible]

[illegible] inclusa Et [illegible]

~~[illegible]~~ [illegible], Et obligatio

Effectu [illegible] ~~[illegible]~~ [illegible]

Congregatio [illegible]

standum [illegible] Et in Partibus illius [illegible]

[illegible] ad huius Causa a [illegible]

[illegible] ut in Processu [illegible]

Et quid [illegible] deduxit Nob. D. [illegible]

[illegible] in [illegible]

ni [illegible] sunt [illegible]

Petitione ~~[illegible]~~ [illegible] quoq [illegible] que [illegible]

[illegible] non deveniet [illegible]

ad [illegible] denegandas [illegible]

[illegible]

[illegible] votato nella [illegible] [illegible] verità [illegible]

[illegible] [illegible] Commissione [illegible]

[illegible]

[illegible] Maria di Candide [illegible]

[illegible] Parrocchiale [illegible] di [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] capellano il quale [illegible]

[illegible]

[illegible]

[illegible]

[illegible] d'domande [illegible]

[illegible]

[illegible]

[illegible] de [illegible] vantaggi [illegible]

[illegible]

[illegible] attendere [illegible]

[illegible]

[illegible]

[illegible] sacrosanti decreti

[illegible] comandando che tutto nelle [illegible] [illegible] vedrà [illegible]

[illegible] inalterabile

Ioannes Franciscus

Ioseph. [illegible]

Albertus, Ant.s modo Actor.

Quamvis ex facto hic orig. fuerit [illegible] quod [illegible] pronuntiasti
dixerit alias duo Fratres Ioannes, et Franciscus Victorini,
qui tunc [illegible] claudere [illegible] in patrimonio, communione
permanserit, [illegible] [illegible] [illegible] [illegible] [illegible]
Ioanne [illegible] [illegible] Iosephus; et Franciscus vero [illegible]
[illegible] duo Fratres Patrueles in eadem Continuarunt Unione
Bononiae in qua [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] nonnullis [illegible] in [illegible] esset. [illegible]
Iosephus remansit in [illegible] [illegible] et in [illegible]
Domus se gessit Circiter viginti annorum, et [illegible], talis
fuit ~~[illegible]~~ existimatus ab omnibus [illegible] [illegible]
in Villa Rodiani: [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] familiis
Cominus de Spilimbergo coepit incantari facere solam
Domum possessam ~~[illegible]~~ [illegible] Bernardini [illegible]
ut dicebatur hypothecatam a q. Petro alias [illegible] de anno
1594, et ab eodem ut asserebatur acquisitam; in [illegible]
Possessione reperiebatur, ut dictum fuit Ant.s Bernardini
Pater Ioannes modo [illegible] [illegible] [illegible] [illegible] [illegible]
ex publicis documentis est videre, contradixit
Incantibus, et tandem convenere Cominus, et ipse,
quod Domus eidem remaneret, et quod [illegible] [illegible]
teneretur quot annis Cominu [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] 1622. [illegible] [illegible]
1628, ad nobb. Dom. Ioannes, et [illegible] [illegible]
Creditores [illegible] mediocris Summae [illegible] [illegible] [illegible]

et q. [illegible] [illegible] [illegible] [illegible]

Bonis antiquitus ab [illegible] [illegible] [illegible] [illegible]

de [illegible] [illegible] a [illegible] [illegible] [illegible] Bonorum

in communione [illegible], cœpit molestias inferre de

[illegible] [illegible] [illegible] [illegible] fecerunt [illegible]

[illegible], quod adhuc [illegible] [illegible] [illegible] minus

[illegible]; quapropter opus ei fuit exorare [illegible]

[illegible] Dnc. Bo ut legis in [illegible]. inde confecto

anno 1628 in Processu [illegible] 12.

Interim [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible], volens [illegible] [illegible]

redimere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] admixt [illegible] [illegible]

[illegible] et [illegible] inde Prolatum fuit ad

vota retrahere volentis [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

post [illegible] [illegible] [illegible] erat [illegible] [illegible];

idcirco [illegible] [illegible] [illegible] [illegible] [illegible]

et Boni [illegible] Possessionem adeptus fuit, in eas

continuavit [illegible] [illegible] [illegible] [illegible] [illegible]

quindecim, et ultra:

modo vero [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] Bonis, et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] in [illegible] possessione [illegible]

[illegible] [illegible], [illegible] [illegible].

[illegible] [illegible] obijciunt exceptionem [illegible] [illegible],

eadem [illegible] rationibus [illegible] [illegible] competere;

ipse aut [illegible] ... et [illegible]
Meltrini ... Bona [illegible] ... morti;
ad eo [illegible]; Amiatus aut, et Joannes Bernardi
[illegible] eorum bonos et ad [illegible]
[illegible] ... omnes, et [illegible] +
Quod alias filiæ Dni ... Meltrini nempe Joannes et Fra[ncis]cus
... ex his nati sunt [illegible] ...
Quod-ue dicti Joseph, et ... fratres naturales ... vixere Communione Bonorum, in qua filiant eorum Parentes, qui nullo unq[uam] tempore fuere separati:
Quod [illegible] ... permansit ...
[illegible] ... quoad vixit:
Quod dictus Joseph vixit [illegible] ... post mortem Petri, et ab omni [illegible] ... fuit communi[one] ... omnis eorum bonorum.
[illegible] ... nunq[uam] ... vel minima parte [illegible]
Quod ... annis 12, vel ... fuit in ... quando ... separandum fuimus, et ipse q[uondam] Petri Meltrini ... Fra[ncis]cus ... q[uondam] Joseph.
Quod medietas dictæ Planes tempore fuit possessa a daniele et Fran[cis]co ...
Quod ... Fran[cis]co ... dominicus.
Quod ... Amiati fuit filius q[uondam] ... [illegible]
Satis est ... fuere ... [illegible]
... ad ... [illegible]
... [illegible]

ipsis debeant esse in iudicando:

[illegible] Capitulorum [illegible] cadet eorum eorundem

administrationem [illegible] et quod esset [illegible]

[illegible] posset agere ad vindicationem bonorum [illegible]

in quantum fuissent propria [illegible]

[illegible] firmabo, nec eo [illegible] posset [illegible]

[illegible] restitutionem [illegible] et obtinere [illegible]

modo [illegible] capitula veniunt ad [illegible] nec

inter [illegible] et [illegible] inter [illegible]

eius [illegible] devenire [illegible]

devolvent [illegible] communia [illegible] propria

[illegible] nec [illegible] in propria [illegible]

[illegible] potuerunt [illegible]

ab alio, imo potius particularia [illegible] notari possent

et quod [illegible] in eorum

[illegible] et in [illegible] annorum viginti

quinque [illegible] eorundem

[illegible] communi [illegible]

Et [illegible]

[illegible] bona [illegible] nec [illegible]

haeredes [illegible] certe [illegible]

[illegible] sunt et inter

eorum [illegible] societas [illegible]

nec [illegible] facere [illegible]

[illegible] aliud [illegible] esse [illegible]

[illegible] quod alienationes [illegible] legitime

factae fuerint [illegible]

[illegible] aliud [illegible]

Unde contra Tertios Bonorum Possessores [illegible]

Prorsus caret; tenetq. namq. in primis agere contra

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] relaxationem

[illegible] ad [illegible] [illegible] [illegible], ac [illegible] [illegible]

mortis, possidebantq. [illegible] [illegible], et [illegible]

Fratres Patrueles, instanceq. quod in Portione Bonorum

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

quibus [illegible] [illegible] [illegible] [illegible] Bonorum.

Quod autem [illegible] [illegible] dicte [illegible] [illegible] [illegible]

excente [illegible] in aliquas [illegible] [illegible] [illegible]

habite patet ex continuata [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

longe [illegible] [illegible] [illegible] [illegible] ex

[illegible] [illegible] [illegible] [illegible] exhibito fol. 62: ex

quo habetur quod de anno [illegible] [illegible] [illegible] Petri

et Fratr. [illegible] [illegible] [illegible] [illegible] vendidisse

[illegible] [illegible] [illegible] [illegible] pro [illegible] anno: 20.

[illegible] [illegible] [illegible], obligarunt pro manutentione

dicti Castri Campus [illegible] [illegible] [illegible] [illegible], qui

[illegible] [illegible] [illegible] [illegible] [illegible] obvenerat

[illegible] [illegible] [illegible] dicti [illegible], ut in [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] habuissent

[illegible] executioni demandate fuissent [illegible] Batta

[illegible] Petri nihil [illegible] agere in [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] fuisset [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] ipsos [illegible]

[illegible] Communia, et pro indiviso [illegible], [illegible]

[illegible] [illegible] [illegible], ideirco ab omnibus [illegible]

[illegible] [illegible], et [illegible] [illegible] [illegible] [illegible]

Possessione in Admissione: [illegible] modo controversarum [illegible]
[illegible], sed necessario [illegible]
modo [illegible], aut in [illegible]
[illegible] vocatum [illegible]
[illegible] videtur [illegible]:
Negat [illegible] Ioannis [illegible], quod [illegible]
familias [illegible]
[illegible] Metum [illegible]
[illegible] modo [illegible] filius [illegible]
de quibus est quaestio, et eorundem [illegible]
adeptus fuisset ut in Processu fol. 69; [illegible]
[illegible] fuisset tandem inter
eos [illegible] Concordia [illegible] Dominus Geminus
[illegible] Edicto [illegible]
quibus in Contractu 1622 fol. [illegible]
modo dictus Dominus Geminus, ut habet [illegible] in calce
Processus dictis erat effectus Possessor domorum controversarum
et dictus postmodum contentavit ipse eas cedere dicto Ant[illegible]
[illegible] a Possessione earum [illegible]
[illegible] se opponere dicto
[illegible], sicut [illegible] dictus [illegible] habere [illegible]
ad Acta, et decreta [illegible] resistant, et
contractui [illegible] in [illegible]
[illegible] contractus [illegible]
1628, [illegible] domos controversas [illegible]
Auctoris Ioannis Bernardini, [illegible]
[illegible], easque [illegible]
integre [illegible]
[illegible] Antonij [illegible]

cum antianis [illegible]. Conductori [illegible] [illegible] [illegible]
Dnis Thesaurarijs [illegible] exijt ex [illegible] 1590 [fol. 60] in eisq

[illegible] facissent, voluissentq Dni A[illegible]
[illegible], Joannes eo omni [illegible], [illegible] in ipsis
[illegible] debitum [illegible] numerant [illegible] Dnis
Thesaurariis [illegible] Petri, [illegible] debitum
[illegible] [illegible]; Quo fit, ut certe nullo modo
inquietari potuit Joannes Ardens; quum [illegible] [illegible]
[illegible] effectu [illegible] huius debitum [illegible]
integre [illegible] [illegible] [illegible] [illegible].
Licet. n. eas non habuisset [illegible], non et [illegible]
[illegible] exhibuisset [illegible], [illegible] Ignaruus
[illegible] redimere potuisset e manibus [illegible] [illegible]
huius [illegible]. Unde eo magis [illegible]
debet in eas habuit [illegible] legitima, [illegible]
[illegible] [illegible] in [illegible] dominum [illegible]
domus [illegible], quomodo [illegible] Bernardini non
contradixisset [illegible], [illegible]
[illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] obligari
~~potuisset~~: Quapropter tantum abest quod Joannes [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Joannis

Quo aut ad interesse [illegible] [illegible] [illegible]
[illegible] habet ex contractibus 1583, et 1586, alias
[illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] Dnico Amiatto; Dominicus [illegible] anno [illegible] ex [illegible] Vxoris [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] admitti [illegible] ad [illegible] Proposuit contra Possess[illegible] ut [illegible] ex Iudicio [illegible] postmodumque anno 1625 Prati Campi in Parte [illegible], integre [illegible]; quapropter nullo modo [illegible] ab eo [illegible]:

[illegible] ad [illegible] ex [illegible] Vxoris, [illegible] in [illegible] potuit, ut antea dixi, imo debuit [illegible] contra Possessores, et quouis tit.° Possidentes, nec opus ei fuit [illegible], quod [illegible] in dicto Bono [illegible] [illegible] [illegible] adinuenerit [illegible] et Canonica relaxatione [illegible] ulterius [illegible] et agere contra [illegible] [illegible]

Quo uero ad Medietatem Campi Possessam [illegible] Dominico [illegible] Rancho; nō potest [illegible] admitti: quia in tantum Actor agit ad Vindi[illegible] [illegible] [illegible] quapropter [illegible] [illegible]

sed Franciski, et Danielis Jacuti, et ab eis [illegible]
Famulis [illegible] Mortis [illegible]
ipsiq Francisko, et Danieli [illegible] [illegible] illius
[illegible] sunt admittenda, ut inde videatur qui
induat Arma; [illegible] aliquod [illegible] alium
[illegible] admissione [illegible] [illegible]
[illegible] debet [illegible]
itaq [illegible] admittendas ad [illegible]
[illegible] admittantur [illegible] Rubr. de [illegible]
valeo tibi postea [illegible] decidendi [illegible] causa [illegible]
[illegible] probationibus [illegible]

Odericus a Porta [illegible]
[illegible]

[illegible]

[illegible] vel dictum statum [illegible]
ligatur determinate [illegible]

[illegible]

[illegible]

voluntas mandat [illegible]

[illegible] habet qui aut quis aliquid [illegible] sint et aliquid [illegible]

[illegible]

[illegible]

insuper [illegible] continentur [illegible] in [illegible]

[illegible] adulterio [illegible]

[illegible]

~~[illegible]~~ eundem contentu, [illegible] ~~[illegible]~~

[illegible] aut [illegible] contineri [illegible]

[illegible] his questionibus [illegible] exigend

contra monachos [illegible] [illegible]

[illegible] idem quod [illegible] idem [illegible]

[illegible] uidetur [illegible]

[illegible] monach[illegible]

[illegible] exigendi [illegible] contra [illegible]

[illegible]

[illegible] monachus qui eundem

~~[illegible]~~ stare debet [illegible]

et eos nō [illegible]

dictand Bouond

[illegible]

[illegible] probare [illegible]

[illegible] bene obligati [illegible]

[illegible]

[illegible] tales. nō se trobarit [illegible]

Et dicit [illegible] testes [illegible]

[illegible]

[illegible] nō tenent [illegible]

intelligitur ... in ... cum ... in

contractus sunt ... modi ...

Licet a notario fuisset

Committi ... nec potest

... quod ... scilicet ... ut ...

ex lectura ... instrumentum ...

... ignorans ... in ...

... attributa, et

... tempore ... Romae ...

... in

attributa in ... ut aliquid ... in

... quod est ... grand

ff de ... at ... Barbat ... et ...

... ille ... Monachis, quod ...

derogant ... quod ... ad ...

... Romam ...

... nec potest exercere ... illa

... ex quo modo Roma ...

Postremo ... quod ...

... proximum

... obligatum ... in contractu

... modo ... contra ...

... in ...

... ut ... tenentes ... obligata ...

... certe ... alias ...

[illegible]

[illegible] et [illegible] fuit [illegible]

[illegible]

[illegible] modo [illegible]

[illegible]

[illegible]

[illegible]

[illegible] intelligant [illegible]

[illegible] Monacum in qua [illegible]

[illegible]

[illegible] dat. tantas [illegible]

[illegible]

[illegible] et contra monachos [illegible]

detentores et quod tandem [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] remanet

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Ab anno 162[illegible] [illegible]

~~[illegible]~~ contraxerunt [illegible]

ut haberent [illegible]

[illegible]

[illegible]

[illegible] exoratoria [illegible]

[illegible]

[illegible]

[illegible] Tractu [illegible]

[illegible]

Monachos [illegible]

[illegible]

[illegible] ~~[illegible]~~ [illegible] de que [illegible]
[illegible] 1621 [illegible]
[illegible] 1627
[illegible]

[illegible]

[illegible] quatre [illegible]
[illegible]

[illegible]

Pro definitione huius causae satis esse videre [illegible]
tractatus foederis 1624 esse ipsa [illegible]
notatos, et retractos [illegible]
[illegible] coram Cardinali [illegible] eum [illegible]
[illegible]
cognitae causae, adeoque ~~[illegible]~~ [illegible]
evidenter Validitate [illegible]

[illegible]

[illegible] foedus esse [illegible]
[illegible] ~~[illegible]~~ uno et eodem [illegible]
[illegible]
[illegible]

[illegible]

Quod Contractus tractatus Ligae Validus [illegible]
esse inviolabilis, ~~[illegible]~~ [illegible]
[illegible]

[illegible]

[illegible] Felicis [illegible]

[illegible] quod [illegible]

[illegible]

[illegible] Vita [illegible]

[illegible] potest quod [illegible]

[illegible]

[illegible] che [illegible] la legittima [illegible]
[illegible] beni stabili fra quali [illegible]
alcuni il Peregrino [illegible] fideicom. art. 36. n. 63. e
om.º dic.º che la [illegible]
[illegible]
2.º che li è dovuta con la siena [illegible]
[illegible]
3.º che li frutti li aspettano dal giorno della morte
[illegible]
[illegible] d.ª legittima.
4.º [illegible] herede [illegible]
[illegible]
dalla [illegible] al caso [illegible]
due legittime in [illegible] d'una n. 70.
[illegible]
[illegible] legittima in [illegible] cadaun corpo delli
[illegible] modo [illegible]
[illegible] esser astretto [illegible] legittima
[illegible] d.ª heredità [illegible] ma il giudice
[illegible] beni [illegible] assignar la d.ª legittima
[illegible] o' [illegible] corpi delli heredità [illegible]
[illegible]
[illegible] che la legittima [illegible]
[illegible] la legittima [illegible]

[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]

[illegible] la [illegible] dal [illegible]

tratt. [illegible] par. [illegible], onde [illegible] la legitima [illegible]

[illegible] di [illegible] nominati [illegible]

[illegible] [illegible] [illegible]

essendo [illegible] favorabili quanto [illegible]

[illegible] che il [illegible] la legitima [illegible]

[illegible] [illegible] con [illegible] ma che [illegible]

donna habbi la sua dote oltre l'istessa ragion[e]

[illegible] [illegible]

[illegible] dote possino [illegible] [illegible]

[illegible] [illegible] [illegible]

Il caso della [illegible] Cat. [illegible] per la dote e la legitima

insieme sono favorevoli devono [illegible]

[illegible] [illegible] poiche da un

[illegible] [illegible] che è contro la legge di natura

[illegible] [illegible] [illegible]

in nel caso dotarali [illegible] non solo haver [illegible]

[illegible] ordinarij ma maggiori [illegible], e [illegible]

[illegible] la legitima in [illegible]

[illegible] al suo credito.

[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]

[illegible] [illegible] concedersi [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] chi [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

nare o la Cerimonia, ma avere quello che si costuma [illegible]

[illegible] [illegible] [illegible] [illegible]

o in denari o in campi o in capitani [illegible]

[illegible] [illegible] non [illegible] mai [illegible]

che [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

vedi si dice [illegible] [illegible] [illegible], [illegible]

[illegible] in [illegible] [illegible] [illegible]

[illegible] [illegible] cioè non [illegible] [illegible]

[illegible] vedi e chi riceve disgusto dalle [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

Cerimonia quanto [illegible] che nel assegnare [illegible]

[illegible] [illegible] il [illegible] nella asse-

gnare in uno o in [illegible] corpi [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

credere l'assegnamento sarebbe già bene [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] non [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] e tal

volta [illegible] assegnati in Cerimonia [illegible]

succeder che il mondo, [illegible] d[illegible], o che
el [illegible] [illegible] no[n] [illegible] [illegible]
il [illegible] [illegible] [illegible] alla [illegible]
[illegible] [illegible] [illegible] e [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], ma
para [illegible] [illegible] [illegible] [illegible]
affatto.

[illegible] [illegible] [illegible] [illegible] manten[illegible] [illegible]
ordini, perche ad ogni modo no[n] [illegible]
occasioni [illegible] [illegible] [illegible]
[illegible] di [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] li [illegible] [illegible] incio [illegible] [illegible]
[illegible] [illegible] il maggior materia [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] li [illegible] e [illegible]
[illegible] [illegible] [illegible] [illegible] contro li
[illegible] [illegible] [illegible] facil[illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] nella
[illegible] [illegible] [illegible] [illegible] che [illegible]
[illegible] chiara come il sole di [illegible] [illegible] giorni
e [illegible] [illegible] che [illegible] [illegible]

[illegible] o mancanza fatta da [illegible]

[illegible] alla [illegible], e comanaro li [illegible]

[illegible] tutti [illegible] come

[illegible] incontro [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] tutti abbiano pensato di [illegible] maggior

[illegible]

[illegible] che dalla [illegible]

[illegible] altri [illegible] aggiungere [illegible]

[illegible] a [illegible] tralasciar.

[illegible]

[illegible] che [illegible] che [illegible]

[illegible] al [illegible]

[illegible] [illegible] nel [illegible]

[illegible] [illegible] [illegible]

[illegible] tutti [illegible]

[illegible] [illegible] [illegible] il [illegible]

[illegible]

[illegible] tutti [illegible]

[illegible] che [illegible] [illegible]

[illegible] a [illegible]

[illegible] [illegible]

[illegible]

[illegible] di più inutili [illegible] le credizi
e[illegible] credersi di questa [illegible]; tutto sarà [illegible]
[illegible] formazione

[illegible signature]

[illegible]

[illegible]

die 6 Aplis 1627

[illegible]

[illegible] £ 5:-

Numquid D. Catherina in haereditate paterna
debeat legitimam, sive ulterius [illegible]
[illegible] amplius id est dubitandum, [illegible]
[illegible] res [illegible] ad ea [illegible] decreta in
[illegible] cum [illegible] [illegible] ae [illegible] dot.

Sed tantummodo videndum quomodo, [illegible] in quibus
corporibus haereditatis [illegible] [illegible] valsteri
debeat: [illegible]

Dicunt plerique eundem [illegible]
[illegible] dem [illegible] haeredibus divid[illegible] in
[illegible] eorum [illegible], [illegible]
[illegible] D. Catherina [illegible]
eius legitimam.

Contra [illegible] dicere [illegible]
[illegible]
dicens quod [illegible] [illegible]
hoc extat [illegible] Veniti [illegible]
[illegible] in [illegible] bonis [illegible], ex [illegible]
Hoc autem [illegible] quam in [illegible]
q. D. Natalis [illegible] eius [illegible]
Nomina [illegible]
[illegible]
[illegible] inde [illegible]
[illegible], ex [illegible]
[illegible] opinionem [illegible]
[illegible]

[illegible] [illegible] Catonibus, [illegible] aut [illegible] quem
[illegible] [illegible] dominibus Arbitorum.

[illegible] [illegible] [illegible] [illegible] [illegible] vide
[illegible] [illegible] erat vocata ad [illegible] [illegible]
[illegible] [illegible] [illegible] exclusa [illegible] [illegible]
[illegible] dote [illegible] minore legitima. Vide
[illegible] [illegible] [illegible] consequens [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Patris;

[illegible] ad statutum [illegible] [illegible] dotem [illegible]
[illegible] minore legitima [illegible] [illegible] [illegible] [illegible]
[illegible] hereditate [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] eadem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] affinitatis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] hereditas [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
hereditatem [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] hereditas

[illegible] dos [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

Cod. de inofficios. testam. ubi [illegible]

ut [illegible] pro [illegible] [illegible], quia [illegible]

[illegible] Clientes [illegible]

[illegible] debet [illegible]

[illegible] ad [illegible], non autem [illegible], quod [illegible]

[illegible] quam [illegible] pro [illegible]

Tertia parte ad [illegible] cum ipsis [illegible]

[illegible] ulterius, quae [illegible] seu [illegible]

[illegible]

Porro, quod ipsa [illegible] seu [illegible]

[illegible] ad [illegible] debiti Bonorum [illegible]

[illegible] in [illegible] quoniam in Principiis Cod.

de inofficios. testam.

Sed quotiescumque [illegible] ad

[illegible] ex [illegible], utique

[illegible] non posset, quod haberet [illegible]

[illegible], cum [illegible] obligare [illegible]

[illegible] quod [illegible]

modo deveat, seu posset obligari [illegible]

[illegible]

Adde quod [illegible]

[illegible] non [illegible]

Matrimonio collocatus, utique nubi [illegible]

[illegible], nec [illegible] posset

minori [illegible], cum [illegible]

[illegible] deberet, non autem [illegible]

Verum non [illegible] [illegible] instantia [illegible]

[illegible] mortis [illegible]

ius rationem de ipsam exclusive, ea
[illegible] extra [illegible]
[illegible]
[illegible] cum Bonis extantibus
[illegible]
[illegible] sic ea [illegible] debet in [illegible]
[illegible]
[illegible] tandem [illegible] q. D. Natalis [illegible]
est [illegible]
in [illegible] aut [illegible]
[illegible] omnium [illegible]
[illegible] Adversarij [illegible]
[illegible] temporis [illegible] exigere
[illegible] debitorum [illegible]
aut [illegible]
[illegible] negligentia [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] temporis [illegible]
effecti [illegible]
[illegible]
[illegible]
Adversarij [illegible]
[illegible]
[illegible]
[illegible]

[illegible]tentio, et concludo pro D. Catharina;

Constat quod in instrumentis [illegible] dotis, seu legitimae (cum sint transactionis), et conventiones se debeant toto bono [illegible], non esse discedendum cum [illegible] Partes ipsae convenerint. Eo vero [illegible], cum in ultima scriptura se declaraverit D. Catharina contentare quod sibi extrahatur [illegible], seu [illegible] de quibus in ipsa scriptura fit expressa mentio; Quare [illegible] in [illegible] capite [illegible] eandem deberet [illegible] tandem, [illegible] ex [illegible] integre [illegible]; [illegible] obstante [illegible] [illegible] Maius [illegible] [illegible] [illegible] [illegible]

[illegible] die [illegible]

[illegible] Pace: Octavio:

11

[illegible] modo [illegible] Prudentia, [illegible]

[illegible] Vitualiter [illegible]

[illegible]

[illegible] Antonij Melchi[illegible], [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Quod licet esset [illegible], [illegible] alias terras; [illegible]
exercitium sibi elegit

Quod in d[ict]o exercitio male se gessit, [illegible]
et multa debita contraxit.

[illegible] quae [illegible] debita ab eo contracta [illegible].

[illegible] elementa [illegible],
[illegible] communes [illegible] coopertas

[illegible]
genere in domo [illegible] familias; et ipse quoque [illegible]
agrum [illegible]

[illegible] sententia, et [illegible]
[illegible] familiae [illegible]
exitum

[illegible], et [illegible]
et [illegible] gubernandi, [illegible]
[illegible]

Talis est [illegible] species [illegible],
Unde videndum est quid [illegible]

[illegible]
[illegible]
vel minima parte

In hac [illegible]
providendum [illegible] Ant[oni]o [illegible], et esse [illegible]
ab [illegible], et [illegible] ab eo [illegible]
tandem licentiam [illegible], ~~[illegible]~~

[illegible] particularia
exceptiones [illegible] ut [illegible] ordine

procedam; [illegible]

ex quibus [illegible]

[illegible] exceptionis [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ad [illegible] nullo modo [illegible]

[illegible]

[illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible]

Quod autem [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Modo si Bona [illegible], [illegible]

[illegible], quomodo [illegible] ad [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Bonam [illegible] multi [illegible]

[illegible]

Reis ~~[illegible]~~ inditi [illegible]
Rei vendicatio [illegible]
et [illegible]

[illegible]

[illegible] ad particulares [illegible]

[illegible]

[illegible]

~~[illegible]~~ voluntarie a [illegible] [illegible] [illegible]

modo [illegible], aut in [illegible] [illegible]

[illegible] sigillatim [illegible] [illegible]

[illegible]

[illegible]

Patet ex [illegible] [illegible] quod ad [illegible]

[illegible]

[illegible]

[illegible] ad [illegible] [illegible] taliumque [illegible]

[illegible]

[illegible]

[illegible] citato [illegible] [illegible]

[illegible]

[illegible]

[illegible] idem [illegible] solvendi [illegible]

[illegible] ex [illegible]

[illegible] 68, et [illegible]

effectus [illegible]

[illegible]

[illegible] et [illegible]

Actor se opponeret dicto contractui, cum [illegible] sedeat in eodem loco in quo [illegible] incautus, et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Lite in [illegible] ex [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ... 97 ... [illegible]

e manibus Josephi Meltini [illegible]

Meltini [illegible]

[illegible], et intentum debeant retrahere ea

[illegible] acquiescere debet

[illegible]

Ioannes Bernardini [illegible] cum D.no [illegible]

[illegible] habeat [illegible]

[illegible] auctore Praetore

[illegible] Archangeli revertit ab [illegible]

[illegible]

[illegible]

[illegible] manuel

[illegible]

[illegible] et tamen [illegible] fecerit [illegible] voluerit [illegible]
et quamvis [illegible] ne [illegible]
[illegible]
[illegible] in eis [illegible] Wilie[l]mum
[illegible] ad [illegible] in [illegible]
[illegible] agere [illegible], et canonice [illegible]
[illegible] nec ulterius [illegible]
ex [illegible] agere [illegible]

[illegible] venire [illegible] ad
[illegible], et agere [illegible] Willelmum [illegible]
[illegible] ad [illegible] voluntarie; sed in [illegible] coactus
[illegible]

[illegible]
[illegible]
[illegible], fuit [illegible] modo [illegible] ab [illegible]
[illegible] propterea [illegible] in [illegible]
[illegible] ut ab [illegible]
[illegible]

[illegible]
[illegible]

[illegible] et [illegible], et a[illegible]
[illegible] fuisse Willelmum [illegible]
[illegible] in eo [illegible]
et descendente [illegible]; quapropter [illegible]
[illegible] actione et propterea [illegible] debere

quia, ut in [illegible] allegatione [illegible]
[illegible] et [illegible] ad [illegible], ne

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Clientis indici [illegible]

[illegible] agendi [illegible] Curatores Haeredes [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et avo [illegible]

[illegible] et [illegible] irrevocabili [illegible]

[illegible] sunt [illegible] et [illegible] Eraunt [illegible]
[illegible] sunt omnis [illegible] et [illegible]
[illegible]
[illegible] ~~Admittere~~ [illegible]
et [illegible] omne [illegible]
ut omnes [illegible] admittantur, [illegible]
[illegible]
[illegible], cum [illegible] [illegible] in [illegible]
[illegible] et [illegible]
[illegible] non [illegible]
[illegible]
et [illegible] admittendas [illegible]
[illegible]
in [illegible] 162 [illegible], et [illegible] 64 [illegible]
[illegible] ~~[illegible]~~
[illegible] gravandi ex parte Regis [illegible] quia [illegible]
[illegible] et [illegible]
~~Ex parte~~ mariti ~~[illegible]~~
[illegible]
[illegible] Unde [illegible] et [illegible] debet
[illegible] ~~[illegible]~~ [illegible], [illegible] ~~[illegible]~~ [illegible]
[illegible] et [illegible] mariti [illegible] ex [illegible]
[illegible]
[illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~
~~[illegible]~~ [illegible] ~~[illegible]~~
[illegible]

[illegible] adventum [illegible] quod [illegible]
[illegible] qui postea [illegible] manu [illegible] expediri
[illegible]
[illegible] locaq [illegible]
[illegible] que [illegible] a quanto
[illegible]
[illegible]
[illegible] ordine [illegible]
[illegible] neq modo [illegible]
[illegible]
[illegible] ex ordine [illegible]
[illegible] causæ cognitio [illegible]

Neq. sic [illegible] quod [illegible]
[illegible] et [illegible]
[illegible]
[illegible] quod [illegible]
[illegible] in qua [illegible]
[illegible]
quod [illegible] quando [illegible]
[illegible]
in quo tractatur de [illegible]
[illegible] de [illegible]
[illegible] eodem [illegible]
[illegible] n°. 54 [illegible]
[illegible] cum [illegible]
[illegible]

[illegible]

+ [illegible] solemnitate [illegible]
[illegible] ~~[illegible]~~ est adiruenta ~~[illegible]~~
~~[illegible] convenit~~, et propterea dici contineat quod [illegible]
cognitio a [illegible] discernit ut inquit Albar.
in cap. i de caus. poss. et propriet. quod sequitur [illegible]
in cap. [illegible] [illegible], et quod
[illegible] [illegible] [illegible] est
ipso iure nulla ut inquit Bart. in l. [illegible]
[illegible] sequuntur in [illegible] cod. de [illegible]
ex stipulatione [illegible]
[illegible] cod. comi. vel [illegible]. [illegible]
[illegible] in clement. [illegible]
[illegible] ideo in causa [illegible] cognita
[illegible]
quod testibus dictis [illegible], ut [illegible]
[illegible]
[illegible] sunt [illegible]
~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible]
[illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~
[illegible] deducere [illegible]
[illegible]
[illegible]

[illegible], quod [illegible]

[illegible]

[illegible] 34 [illegible]

[illegible] docuit (?) damno exerceant

[illegible], Mastinis cuiuslibet, et adeo renovatione sequestri se exigit, quia est Iuris positivum, negando utriusque supositum oriundi renunciationis; nam contra eas quaerant

Iuristae [illegible] aliquis desinendum pro [illegible] sequestri, ut legimus in [illegible]

Unde videndum est quid [illegible]

[illegible]

[illegible] sequestro Bona [illegible]

[illegible] inde census exigi poterit eo quia ad [illegible]

[illegible]

quo tempore cuiuslibet [illegible] possidebant

[illegible]

hypothecatae; cuius nasq [illegible]
bonis sibi obligatis [illegible]

[illegible]

e distract. pignor. late aliis citat [illegible]
lib. 13. cap. 7. n° 7; quoniam quelibet res [illegible]

[illegible]

et Dominus [illegible] Paris. cons. 103 in princ.; [illegible]
Negus in Tract. de pign. [illegible]
vers. n° 5; vers. [illegible] hoc infert; Paris. cons. [illegible]
[illegible] vers. quinto animadvertend [illegible]
[illegible] in quam conditio [illegible]
[illegible]
creditori [illegible]

[illegible]

potest dici [illegible]
potest dici etiam distractio

[illegible]

Contractus mutuationis [illegible]

[illegible]

[illegible] contractu.

[illegible] aliat [illegible]

emancipatae, [illegible]

[illegible] fuisse; cui habeat debitores in [illegible]

[illegible]

[illegible]

Allegationes.

D. Vincentij Scalla de Sacilo In causa Simoniæ

Ad demonstrandum presentationem factam de persona presbiteri Danielis de Marculinis de Sacillo per Sanctum Rinaldini ad capellam sitam in ecclesia maiori dicti loci tanquam symoniaca pravitate presumpta esse reprobandam, pauca, et clare agam, et p° discutiam an in hoc casu comitti symonia potuerit, deinde an ea, quæ sunt deducta in processu satis sufficiant ad inducendam symoniam saltem presumptam, et quia hic agitur civiliter non ad penam, sed ad reprobandum tantummodo electionem, seu presentationem ut supra factam non tangam gravitatem symoniæ, et quomodo vinciat, et sit maius delictum, atq; gravius omnibus alijs criminibus, iuxta tex in c. sicut. et in c. tanta. ex. de simonia. de quo etiam sunt terribilia verba Paschalis Papæ in c. fin. p° q. vij. Vz. quod omnia crimina ad comparationem symoniacæ hæresis pro nihilo reputantur, sed veniam ad expeditionem primi articuli, et videndum puto quid sit symonia, nam ea cognita sequitur propositi articuli ressolutio. Uno modo sacri Theologi, altero D. Canonistæ simoniæ tradunt diffinitionem. primi enim dicunt, q simonia est studiosa voluntas emendi, vel vendendi aliquid spirituale, vel spuali annexum. Canonistæ vero, et inter alios Joan. de An. latius examinat Simoniæ definitionem in rub. eod tit. et Host. in sua summa eod. tit. videtur velle impugnare Theologorum definitionem, sic dicendo. mihi videtur quod sic describi potest, Simonia est spualium, vel annexorum spualibus precedente pacto promissionis, conditionis, modi servitij, precij, vel cuiuslibet temporalitatis receptio, sive donatio. Utraq; est bona definitio, prima respectu fori conscientiæ tanquam inductiva peccati, et altera procedens in foro contentioso, ut hic per eundem. Cum igitur Simonia committatur in aliquid emendo spirituale, vel spuali annexum, et omnes in hoc concordent ut ius patronatus sit annexum spuali, dicendum est Sanctum Rinaldini tanquam habens ius patronatus in hmoi sua presentatione simoniam committere potuisse ut est tex clarus in c. nobis extra de simonia, ubi ab habentibus ius putandi, seu eligendi in presentando eo modo ut fecerunt

commissa fuit simonia, et sic reprobata eorum electio, ut tex. est et clarus in c. preterea el p° extra de transact. Venio ad alium articulum per me propositum vz. utrum satis sufficiant ea, quæ deducta sunt per D. Vincentium Scalla in eius processu in hac materia form° ad inducendam simoniam saltim presumptam contra Sanctum Rinaldinum ius presentandi habentem, ac etiam contra presbrum Danielem per eundem Sanctum presentatum, et ut istud facilius cognoscatur, uidendum est qualiter simonia committatur. Hosti. in sua summa eod. tit. ponit duo carmina istud exprimentia vz. munus, lingua, caro, timor, atq; fauor popularis impediunt gratis spirituale dari, sed beatus Greg.° in c. sunt nonnulli in .q. i. istud clarius declarat, exclamans, et adducens dictum illud propheticum beatus qui excutit manus suas ab omni munere distinguens aliud esse munus à lingua, aliud à manu, et aliud ab obsequio, munus ab obsequio uelutì seruitus indebite impensa, munus à manu sicuti pecunia, munus à lingua, quando fauor intercessit ut ibi. quibus sic se habentibus satis superq; per deducta in processu in presenti specie demonstratum fuit ad reprobandam, et reiiciendam presentationem Sancti de persona pfati presb.° Danielis Marcolini. Secundum enim Ray. et alios Canonistas in hac materia simoniæ vz. quando dubitatur an quis simoniam comiserit, tria sunt attendenda. p° dantis uel recipientis qualitas utrum sit pauper uel diues, 2° muneris quantitas ut si res est magni uel modici pcij 3° donationis tempus, an si instante necessitate, uel aliàs offeratur. c. et si questiones extra de simon. ubi est pulcherrimus tex. qui diligenter ista ponit, et enumerat, et omnino est uidendus. Quod autem Sanctus sit pauper ultra testium depositiones super 4° cap.° ipsemet se esse pauperem fatetur, respondendo 4° poni fol. 2 ❡ quod facile coniecturari potest ex aliis etiam infradicendis ipsum commotum fuisse ad simoniace presentandum. Sed ueniamus ad ipsa munera, et incipiendo à munere ab obsequio, nonne probatum est ipsum presbrum Danielem scientem capellam uacare in Eccl.ª

Sacilli

Sacilli per mortem eius ultimi capellani, et Sanctum Rinaldini
habere ius presentandi, euocasse ipsum Sanctum ex loco Methune
ad se, et ipsum pauperculum domi sua per plures dies, et ad men-
sam tenuisse? Legantur testes super cap.° x.° fol. 14 D. Franc.s
Farientus ibi et lo teniua secretamente, et fol. 15. ubi A. Dnus
Hieronimus Mustulinus ibi, et mentre sta iui mangia, et beue, et
fol. 15. t.° mag.r Nicolettus Ganzenoua ibi Interrogatus io l'ho ueduto
anco à tola à mangiar, et beuer con loro. Sed ultra alios testes
nonne ipse Sanctus respondendo ij posi se euocatum fuisse è
domo sua ad instantiam dicti presb.ri Danielis usq. sub die 22.
uel 23. mensis Aprilis proxime euoluti etiam q. caetera neget, fatemur
fol 3. t.° ubi + et C3. Imo q. plus est ipse Sanctus ad declarandum
eius mentem, q. presb.r Daniel eidem prestabat honori obsequium
propter beneficium, seu capellam, confessus est, q. talia beneficia
non dantur sine aliqua commestione fol 20 t.°. ubi A. Josephs olim
Natalis de Nigris passus fol 21. ubi A. et fol 20 mag.r Angelus
Zane super 2.° ubi +. si premissa uera sunt quid dicendum?
Si capella uacabat si Sanctus habebat ius presentandi ad capellam
si presb.r Daniel è Methuna uocauit Sanctum, si eum domi tenebat
si ad mensam; ob quam aliam causam presb.r Daniel istud Sancto
prestabat obsequium pauperi non propinquo, non affini non ciuidem
loci nisi pro obtinenda ab eo presentatione ad capellam? Sanctus
erat in necessitate constitutus, capella uacabat plures querebant
presentari ad dictam capellam, presb.r Daniel sine beneficio euocat
et domi sua secreto tenet Sanctum, et eidem blanditur, et obsequia
etiam mensalia prestat; Sanctus presentat presbrum Danielem ad
capellam et in hoc casu negabitur simoniam fuisse commissam?
Hic non sunt uaniloquia extendenda, et ut nuperrime factum fuit
in ind.° proponenda, et tot uerbis exclamandum testes esse singulares
et periuros, et per calumniam fuisse propositam simoniam. ista
tergiuersari non possunt quia et per testes et per ipsiusmet Sancti

confessionem probata sunt. et per notorium facti constant, cum è domo ipsius presbi Danielis fuerit eductus, et uocatus Sanctus à Cl.mo D. Potestate Sacilli; qui sciens causam simoniæ ad se minime pertinere, eundem dimisit. Nec obstat, si diceretur quòd propter comestionem, et sic propter minimum obsequium motus non fuisset Sanctus cum aliàs uir probus credatur per ipsosmet testes ad Inst.m D. Vincentij examinatos quia habita ratione dantis qui est presb. sine beneficio, et multum studiosus pro habenda ipsa capella, et recipientis, qui est ipse Sanctus pauper, et temporis, quo uacabat ipsa capella, et necessitatis in qua reperiuntur tam dans, quàm recipiens in modico etiam obsequio committitur simonia! Tex. est clarus, et ineuitabilis in c. ex tua extra. eod. tit. ubi etiam detegitur simonia illius, qui solidos sex tantum exhibuit eius Archidiacono, ut eum presentaret ad ordinem Sacerdotij, et sic presentatus qui ordinem obtinuit hoc modo simoniam commisit ut ibi in tex. Sanctus igitur etiam q. aliàs credatur bonus, nihilominus cum predicta probata fuerint contra eum dicendum est ipsum simoniam commisisse. cum simonia detegatur etiam in quinq. obolis. c. Judices p.a q. p.a ubi habetur Samuellem non accepisse quartam partem sicli à Saule quæ quarta pars sicli, ut ibi dicit tex. quinq. sunt oboli! Veniamus ad aliud munus vz. à lingua. legatur testis @. presb. Simon à fabris fol. 8. ubi A. super 3.o cap.o ubi clare constat, ex confessione ipsius Sancti ibidem relata, q. ipse Sanctus fuerat astrictus à quodam eius affine ad faciendam presentationem p.ti capellæ, de qua ipse habebat ius presentandi. Legatur etiam & Pasqualinus herbasecca fol. 9 t.o ubi A. super 3.o et capitulo qui attestatur se audiuisse ab ipso Sancto, qualiter ipse Sanctus remiserat presentationem de eius capella cuidam eius auunculo, seu patruo et sic ad preces affinium, et sanguinis per quod detegitur intercessisse simoniam iuxta uerbum illud positum per Hosti. in sua summa in illis carminibus eod. tit. munus lingua caro? nam in diuinis rebus non solum pecuniam

nullam

nullam, sed nec etiam humanam gratiam requirit, dicit Tex. in c. sunt nonnulli j. q. i. in fin et ut habetur in c. de ordinatio. ead. ques cuius hae sunt verba: Oportet ergo, ut neq. per gratiam neque per donum, neq. per quorundam supplicationem aliquem ad sacros ordines adduci permittas quia immissus amor cordis simoniam inducit dicit tex. in c. siquis de sanc. j. q. i. et in c. nemo extra de simon. ubi nec pro respectu cuiusq. personae consanguinitatis aut familiaritatis alienis communicans peccatis etc. Ex quibus dubitari non potest, nec debet quod cum Sanctus ipsemet fassus fuerit se affinium, vel consanguineorum precibus fuisse commotum ad faciendam praesentationem quin commiserit simoniam, et omnino huiusmodi praesentationem reprobandam. Nec obstat si dicatur quod Sanctus sit vir bonae conscientiae ut nonnulli testes examinati per D. Vincentium Scallam attestari videntur, quia ex operibus ipsis istud diiudicari potest cum ut supra satis sufficienter probatum fuit, ipse Sanctus fecerit contra Sacras Canonum decisiones, fatendo se astrictum fuisse a quodam eius avunculo ad faciendam presentationem, quae a legibus reprobatur, ex fructibus enim eorum cognoscetis eos dicit tex. in Euang. Mathei c. vij. et istud attendi debet; Sed veniendo ad munus a manu vz. ad pecuniam si diligenter consideremus dicta testium satis, superq. probatur id, per quod ipsa praesentatio tanquam simoniaca pravitate praesumpta omnino revocari debeat. Pecuniam enim eidem Sancto fuisse promissam, legatur dictum Q. Antonij oselli fol. 22. t.° ubi A. B. C. et folio 23. t.° ubi †. D. E. et I. punctus est enim in illius verbis vz. Che questa Candussin ghe promesse quel giorno istesso al detto Santo cento duccati per la causa sudetta, sup.ta autem causa fuerat paulo ante ibidem clare expressa vz ut presentaretur ad Capellam dictus presb.r Marcolinus, qua stante promissione, et stantibus verbis positis in definitione Simoniae, quod simonia est spiritualium, vel annexorum spiritualibus praecedente pacto promissionis etc. firmiter dicendum est in hoc casu subsequutam

presentationem tanquam Simoniaca pravitate presumpta esse reprobandam iuxta verba posita in c. nobis extra de Simon. Nec obstat si dicatur q istis testi non sit prestanda fides, quia a principio videatur deponere se nihil aliud scire, et nihilominus aliqua statim deponat de Candussino, et de Sancto, et de verbis habitis inter eos, et tandem postquam fuerit examinatus rediens, et testificatus fuerit de ipsa promissione inter eosdem de duccatis centum facta pro facienda dicta presentatione, quia Testis a principio etiam ad testificandum accedere recusabat, et necesse fuit per viam mandatorum ipsum cogere ad reddendum testimonium veritati fol. 22. ubi +. quia tamen cum iuramento testificatus est, ei credendum est. c. nuper et c. fraternitatis, et c. tuis ext. de testi. Nec obstat si dicatur, q est solus, primo quia in probando quod negaverat Sanctus respondendo quinta positioni vz. Marcum Candussinum, et ipsum Sanctum fuisse domi ipsius Q. Antonij Oselli, et ipse Q. Antonius testis et D. Oliva eius uxor deponunt de ipso Sancto, qui eorum domi fuerat et loquebatur dicit osellus cum Candussino, et eius uxor Oliva deponit q Sanctus venit eorum domum et cum eo erant duo homines, quos ipsa non cognoscebat, et necess.° sunt illi, quos ipse osellus eius maritus in sua depositione iurata exponit. 2°. dato etiam q unus testis non faciat probationem, et q osellus esset unicus nihilominus unus testis facit presumptionem, et ei creditur glo. in c. multi sunt iij q. iij in v. unius. Si igitur speciale reperitur in causa simonia, q ad eam probandam etiam signa, et coniecturae admittantur, ut not. Doc. et precipue D. Ab. in c. sicut extra eod. tit. Joan Diaz. Hispa. in verbo simoniaci in c. 85. utique fatendum est Simoniam saltim presumptam probatam fuisse cum ut inquit tex in d. c. sicut de simon. ita sine dilatione mora, ut eius signa per aliquam personam claruerint de Ecclesia dei debet eliminari, atque repelli. Et cum constet saltem de presumpta simonia in casu nostro omnino est reprobanda presentat.°

facta

facta per Sanctum de persona presb. Danielis Marcolini, ut dicit, et expresse determinat tex. in c. nobis extra eod. tit. ibi in illis verbis, quamvis ipse tempore promissionis conscius non fuerit, eius tamen electio tanquam simoniaca pravitate presumpta est penitus reprobanda, et hoc tanto magis, quia non solum per unicum testem presumptio, et signa probantur in isto casu, sed per plures testes, et per confessionem ipsiusmet Sancti. Nam si clare constat, q. presb. Marcolinus presentatus statim vacante capella, vocavit Sanctum patronatus ius habentem in dicta capella, et ei quecunque poterat obsequia prestabat, tenendo eum etiam ad mensam ut supra difusius dictum est, quero quo signa sunt ista. Si propter charitatem hoc faciebat presb. Marcolinus, cur non antequam vacaret capella hoc fecit? Si adhuc propter charitatem hoc faciebat cur tanta benignitate utebatur erga Sanctum, qui non erat incola Sacilli, sed Methunae? cur ipsi Sancto, et non proprijs suis consanguineis paupercul[i]s presb. Marcolinus ad eius mensam esurientibus panem frangebat; cum regulariter charitas incipiat à se, et à proximioribus? At Sanctus ius presentandi ad capellam vacantem habebat, presb. Marcolinus fieri in ea capella capellanus et ad capellam presentari cupiebat. Hinc è propria domo longe vocatur Sanctus. Hinc ei fiunt obsequia. Hinc proximorum, et amicorum intercessiones, et promissiones facta Sancto. Ista non solum sunt coniectura, et signa, sed evidentissima conclusiones, ex quibus constat, q. simoniace sit facta presentatio per Sanctum de persona ipsius presb. Marcolini. Ad premissa alia presumptio accedit ex depositione presb. Danielis Gratiani examinati ad instantiam q. Bernardini Joannis Magni fol. 3. in processu B. super 3° cap. ubi presb. Daniel Gratianus clare deposit de confessione sibi facta per presb. Marcolinum

presentatum, de pactis, et promissionibus pecuniarum factis inter ipsum Sanctum ex una, et consanguineos ipsius presentati propter huiusmodi presentationem. Nec obstat si dicatur q̃ non sit fides prestanda ipsi presb.° Gratiano, nam eademmet die paulo ante examinatus ad instantiam D. Vincentij Scalla, sub eius 6. cap.° fol. 13, ubi t. deponit de quadam asserta confessione ipsius Sancti de audito, non autem de ipsius presb.° Danielis confessione, quia respondetur, q̃ ista difficultas statim soluitur si inspiciamus ipsa capitula, nam capitulum sextum D. Vincentij Scalla continet tantummodo confessionem Sancti, capitulum uero tertium Bernardini Joannis magni loquitur tantum de confessione presb.° Marcolini quo casu, cum testis teneatur respondere solum super iurans per se c. de testibus extra de testibus, ubi dicit tex. quod si testes sint inducti ad dilationem dilatoriam solummodo probandum cum super ea tantum iurauerint dicere ueritatem super principali nec debent audiri, nec cogi testimonium perhibere ut pote super quo deponerent non iurati. Cum igitur presbiter Gratianus deposuerit de confessione Sancti super 6. cap.° super quo dicere ueritatem iurauerat, recte fecit si non deposuit super confessione facta per presbitum Marcolinum presentatum super 3.° cap.°, super quo adhuc non iurauerat, et si postea super ipso cap.° 3.° in quo continetur confessio presb.° Marcolini per ipsum iurato, deposuit, ei credendum est, cum in utroq. casu ueritatem dixerit, super quibus ueritatem dicere iurauerat. d. c. de testibus, ubi uerba tergiuersari non possunt. Ommitto testes examinatos super alijs capitulis, ne sim prolixior in respondendo ijs, quæ possent adduci causa disputandi non autem aliquid decidendi, sic sunt discutienda quæ inducere possunt in casu nostro præsumptam simoniam. Ultimo itaq. ueniamus ad ipsam publicam uocem, et famam, quæ coniuncta cum alijs supra enumeratis, et coniecturis, et præsumptionibus et probationibus utiq.

dicendum

dicendum est omnino esse reprobandam presentationem factam
per Sanctum de persona presb. Danielis Marcolini. Munus
enim ab obsequio probatum est per plures testes, ut supra
vidimus, et per confessionem ipsiusmet Sancti, et presidentiam
facti, ex qua enim alia causa Clmus Pattus Sagilli eum vocavit
ad se, cum esset Sanctus domi presb. Danielis presentati?
respondeat Sanctus si aliam scit causam, nisi quia vacante
Capella presbiter Daniel Marcolinus se domi sua tenebat, et
sibi pauperi obsequia prestabat, et sibi blandiebatur, ut à se ad
eandem capellam presentaretur, ut presentatus fuit? respondeat
presbr. Marcolinus, non aliam assignabit causam, nisi quia
cum esset sine beneficio, et multum cupidus habendi vacantem
capellam i Metbana vocavit Sanctum, et domi sua, et ad
mensam tenebat ut hoc modo cum commoneret ad se presentan[dum],
ut re vera eundem commonuit ad id faciendum. Respondeat
etiam Osellus, et eius uxor Oliva testes, ob quam causam ille
Candussinus fuerit eorum domi ut ambo deponunt, et simul
collogueventur Sanctus, et Candussinus. Uxor Oliva respondebit
verum esse, quod ipsa ambos vidit collogventes, sed nescire, de quo
negocio, quia aliquantulum aberat ab eis. Osellus vero eius
maritus contestis cum iuramento respondebit se presentem
fuisse, cum Sanctus, et Candussinus domi sua fuerint, et collo-
guerentur et in hoc maritus, et uxor erant contestes, ipse vero
maritus, quia erat magis prope, et eos audivit et respiciendo
ad iuramentum, quod fecerat de dicenda veritate, tandem fa-
tebitur Candussinum promisisse Sancto duccatos centum pro
facienda huiusmodi presentatione, sicuti paulo post idem Sanctus
fecit presentando ipsum presbrum Danielem Marcolinum.
Munus à lingua, ut supra probatum est: presbiter enim Simon
à fabris cum iuramento deponit Sanctum ipsum sibi dixisse

quemadmo-

quemadmodum: fuerat astrictus erg quodam eius affine, uel consanguineo, ut faceret hanc presentationem fol. 8. ubi A. et B. Pasqualinus Barbasecca fol. 9. ubi A. Munus uero à manu de duccatis centum promissi ineuitabilem fidem faciunt Osellus, et Olina coniuges, quia ambo uiderunt colloquentes Sanctum, et Candussinum, etiam q solus Osellus, quia propior erat, ipse tantum uerba audiuit promissionis facta Sancto per Candussinum de duc. centum: Nec mirum, presbiter enim Marcolinus confessus fuit de pecunijs, et pacto presbo. Gratiano fol. 3. to. in processu B. ut paulo ante dictum fuit: Ex quibus omnibus statim publica uox, et fama ortum habuit, presentationem factam per Sanctum, simoniace factam fuisse, quemadmodum testes omnes deponunt, et cum iuramento testificantur, declarantes de hoc dici et in uirorum coronis vz. circulis, et publice. Legantur omnes testes super xi. capo. et breuitatis causa exo. Aloysius Zane super xi. capo. fol. 13 to. ubi + ibi nei circoli. Nec obstat si dicatur q testis dicat se ignorare à quo habuerit ortum ista fama; quia respondetur per Rmum D. Iudicem istud facile cognosci posse ex tot probationibus et coniecturis supra expositis, cum fama sit communis locutio ex uerisimilibus coniecturis surgens glo. et Abb. in c. cum in iuuentute de cohab. cleri. et muli. uel Secundum Bartho. in l. de minore §. tormenta ff. de questi. fama sit communis opinio uoce manifestata ex suspitione proueniens. Candussini collocutio cum Sancto Oselli, et Olina coniugum depositio, Extraiudicialis confessio Sancti presentantis, ac presb. Marcolini presentati, obsequia prestita Sancto per Marcolinum. Haec omnia famam publicam orirj fecerunt. Legatur D. presbiter Daniel Gardinus fol. 17 t.° ubi + che se dice publicamente per questa terra, che ē ello caso probatur fama secundum communem opinionem per hac uerba impersonaliter prolata, quia publice exponitur, idest populice, ita Saly in l. ea quidem c. de accusationibus.

Legatur

Legatur etiam D. Gaistus Muzolinus fol. 15. ubi ibi; 20
inteso da purassai persone, quo casu probatur fama secundum
Anto. de Butr. in c. quid per novale de verb. signif. et Alex. in
d. l. de minore §. tormenta, quia fama probatur etiam per testes,
qui deponunt se audivisse à personis, quas non cognoscunt. Ita
Bal. in l. fin. §. p.° C. de iur. delib. Accedente igitur in casu nostro
publica voce, et fama ad probationes supra demonstratas, et ad
alias coniecturas, dicendum est, nihil pinguius probari potuisse
cum probationes, et coniecturæ coniunctæ famæ præferantur qui-
buscumque aliis probationibus. l. proprietatis. C. de probat. ubi tex.
dicit, non tantum instrumento emptionis proprietatis dominium,
sed ex quibuscumque aliis legitimis probationibus ostenditur, dicit glo.
in v.° legitimis vz. ut per famam consentientem etc. Nec obstat si
dicatur obstare c. veniens de testibus, ubi requiritur etiam in
simonia plena probatio, ut ibi per Ab. et per c. tam litteris eod.
tit. quia ibi erat testis de alieno auditu, non autem de proprio
ut ibidem distinguit Abb. quo casu non probat fama cum teste
de alieno auditu, secus autem quando deponeret de auditu proprio
+ nam tunc fama probat c. ~~ij de cognatione~~ per tuas de simon. et ideo D. Abb.
in c. insinuat. eod. tit. dicit: Secundo potest intelligi quod sit
speciale in crimine simoniæ, ubi non requiruntur probationes
tam claræ, et manifestæ, sed debent incontinenti repelli etc. cum aliqua
signa notabilia constant, ut in c. sicut simonia supra eod. tit. et
hoc tanto magis, quia ut dicunt Hosti. et Ab. in c. præterea de testi.
quando est unus testis de visu cum fama et aliis adminiculis
et probabilibus, sufficiens est probatio in his, quæ occulte fiunt, et
difficilis sunt probationis, nam glo. in d. c. preterea, dicit, nota quod
argumentum quod quando non prosunt singula, multa simul collecta
iuvant. c. cum causam de probat. c. litteris, et c. 3.° de simon. clare
dicat quod sufficit sola fama in his, quæ sunt difficilis probationis c.
litteris, et c. 3.° quemadmodum in casu nostro nam ut dicit Tex.

in Clemen. 2. de simon. derogando c. veniens de testibus etiam socius criminis ad eam detegendam auditur, cum ut inquit Tex. in c. sicut extra eod. tit. sicut simoniaca pestis sui magnitudine alios morbos vincit, ita sine dilatione mox ut eius signa per aliquam personam, et non dicit tex. per plures personas, de Ecclesia dei repelli debent. Ex quibus omnibus ut supra breviter examinatis concludendum est, stantibus tot probationibus in munere ab obsequio, à lingua, et à manu et tot suspitionibus, ac coniecturis, et presumptionibus cum publica fama insimul omnibus concurrentibus, omnino fore, et esse revocandam, ac reprobandam presentationem ut supra pravitate simoniaca praesumpta factam per Sanctum Rinaldini de persona presb. Danielis Marcolini cum expensis, ut indubitate expectatur.

Richardus porr.[illegible] iurisconsultus D.

Serenissima

Alegationi del q. di Pesaro [illegible]

Admodum Rev.dus D. Joannes Baptista Mussius Urbani:
[illegible] habet Jus exigendi quot annis
q.as duas frumenti [illegible] quondam [illegible] a
[illegible] censum seminis quartas sex nigre
legat. [illegible] Coluccij Viani 1492 [illegible] in quo in
Processu fol. 8. tergo [illegible] sequestravit Bonum pred.:
aliquando, et actione reali eius censum obtinuit; tan-
dem vero, ut omnia decursa assequeretur citavit de
anno 1644 [illegible] Pellegrinum Parginam eiusdem
Boni Possessorem, et contra ipsum exijt Petitum de-
putari pro [illegible] liquidatione [illegible] Pellegrinus com
paruit et [illegible] Instantia predicta, non ne-
gavit Jus [illegible] Urbanati; Non etiam Hypothecam
Boni [illegible] sed tantum innuit [illegible] ne
obligetur ex toto Processu; quod ipse non possidet
integrum Bonum Canoni obnoxium; sed tantum
medietatem illius altera aut medietas detinetur
a [illegible] ipsius [illegible] hoc pacto inferre
volens quod ad partem tantum census non autem
ad illius integram solutionem teneatur; Sive
[illegible] et in [illegible] partes
dividendum;
[illegible] pro fundamento eius Instantiae [illegible]
presentavit [illegible], Responsa edidit [illegible]
[illegible] facta a Parrinia, de quibus in Processu

fol. 61 ter, tandemque per testes omnem quaestionem
maioris probavit quod re vera ipse D. Pellegrinus
possidet integram portionem dictam terrae comprehensam in le
gato; Atque adeo valide firmavit, sicut diximus in
antiquis, ut nihil ulterius desiderari possit cum in
legato fiat expressa mentio quod terra praedicta est ter
minis quartarum sex; testes autem deponunt quod bo
num dictae Ecclesiam Pitternum a Roggia est itidem
eiusdem quantitatis, nempe terminis quartarum sex
Contra autem D. Pellegrinus respondendo dixit possidere
partem tantum et ad fundandam possessionem sub
iuncta fundamenta deduxit
Et primo quidem quasdam arbitrarias inter
ipsum et Marcellinos latas quae re vera nihil po
nunt in esse ut ex earum lectura colligi potest
Deinde, positionem de qua in Processu [illegible] 65 ter.
quod scilicet Petia dictae terrae vocata [illegible]
sequestrata ab ipso D. tantum possideri ab eo
partem vero Marcellinis. Et ut continentiam
illius probaret, repraesentavit Consignationes ibi tunc
temporis sumptam a Praelato ipso in Processu
positam fol. 68, et 199; Ex quo fundamento innue
[illegible] quod cum in Consignatione praedicta ibi a
[illegible] hominibus illius adstrat [illegible]
[illegible]

Signatum D. Plebano Attoni nisse de Memoriis quantitatis quartarum sex siligi ne dum Sanguriam de Pagina suprallatam, verum etiam aliam Petiam terrae eidem annexam et connexam tentam a Marcellino, quamque ab(?) ista Petia terrae peruenit a Plebano pred.o sequestrata ut ex Positijs in Processu presentatis, utique Una, et altera earum est Canoni obnoxia, et consequenter ambarum Possessores debeant obligari ad ipsa decimam;

In hoc unico fundant: conclusiones quaestionis istius Paginae quod tamen mederi non posset.

Quia in Indiciis semper adendit Veritas et hic ita conatur,

Verum hic de vera est quia Dominum obligatum omnia Plebano pertinens et Monasterio quartarum sex, sicut colligitur ex libro Vend.o dittae fol. 5. ter. in quo facta fuit nota, et D.a mentio ipsius Sigat. Unde hic addendi debet, non autem in assertio Hominum Communis sui nec tollere, nec addere hic intuendo cont. Dicimus Plebano non etiam cuiuscumque alteri Persona reg. indistinctum vel minime infirmare, sicut uti inde adversarius Pagina nam inde Marcellinus obligatus dicit

Ex exiguitate Census, sancte colligitur exiguitas Dom. Rdo Parocho Castroni obnoxio, ut ut appareat ex nota

... iesti 1407 soluitur per eo Canon quartar. Duas

frumenti seliando qui est mensura 15 frumenti

nostri ordinarij

Cum qualiter Confinato, praedicta non essa Sibtia sequestro

D. Pisani in quibus uidetur comprehendisse etiam

eandem maculinus existant, quia in tantum hoc ideo

faciebat ipse et fuit, in quantum Confinatio [illegible]

ei dictabat;

Sed non inde necessario dici posset quod etiam contra Ma-

culinos agere crederetur. Primo quia non est in potestate

exigendi ac eis quidquid; secundo quia constat

ipsos non possidere bonorum obligatorum,

Attamen ne uideantur cohibere cum ipsis uoluit intere uo-

luit Pellegrinus, eos in [illegible] uenerit et ad communem

[illegible] illos (quatenus possideant) con-

Ceminari ad conueniendum ad solutionem dicti cen-

sus uerit [illegible] Pellegrino in totum, uel [illegible]

bonis [illegible] ut in Processu fol. 78

Cui instantiae excipiendo assignauit [illegible] Bernardinus

Piaccenenus non teneri eo quia non possidet, et

pro fundandis eius exceptionis dedit instrumentum

1430 acquisitionis [illegible] Campi in [illegible]

D. Pisani contentis cum circumscriptione Con-

finium [illegible]; et quod est [illegible] sententiam

Arbitrariam D. Pisani in Processu fol. 86.

(Copia)

ex qua clare constat, eandem a Marcuccio [illegible]
centam in legato Urbani non comprehendi;
Unde Ius dicendum pro D. Urbano, salvis iu=
ribus Parguerà contra Marcuccinos in alio
Iudicio.

Iulius a Porta [illegible] Auditor

(VI) Ex terminis operis in [illegible] causa, cum actio
Proposita a D. [illegible] Amica [illegible] fuit sua
[illegible] [illegible], tractatur [illegible] [illegible] contractu
Transactionis in quo [illegible] [illegible] dicta [illegible].
[illegible] agebatur de successione in [illegible] q. [illegible]
R.di D. [illegible] mortui, qualis erat inter D.
Dominica R.di [illegible] [illegible], et [illegible] Amica
[illegible] [illegible] [illegible] eundem, cui nos
[illegible] tandem [illegible] id esset [illegible] [illegible]
et [illegible] [illegible] ad Probationes necessarias
fuit transactum et [illegible] hereditas [illegible]
et [illegible] [illegible] [illegible] 6000 tradita fuere
[illegible] mille [illegible] Amicae, [illegible]
[illegible], qui cum [illegible] [illegible]
[illegible] decem, et octo ~~[illegible]~~ [illegible] R.di, [illegible]
[illegible] [illegible] [illegible], et [illegible]
D. Successionis, et ceterarum omnium [illegible], ut
est legere ex Contractu extante [illegible]
et ad [illegible] [illegible] hereditas [illegible]
(Quaestio huiusmodi capitis fieri debebat [illegible]
[illegible] ex [illegible] [illegible], [illegible]
[illegible], et transactioni [illegible]
D. Amica [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible]

celebrato pro Dnic: 900., modo aut molestia
passa a Dno [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], et notato in ind. [illegible] Dnico
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
eo quia uffert [illegible] [illegible] [illegible], et
[illegible]. Si res [illegible] se haberet [illegible] Dominicam
[illegible] [illegible], [illegible] quoniam aliter fuit
tractatum, et transactum, ideireo [illegible] est
in toto, et in [illegible] [illegible] [illegible].
Dno N. a [illegible] fuit [illegible] Transactio
D. Dominicę [illegible] conclusum quoq; fuit, quod
haberet domum exemptam, et immunem ab omni
onere, ut patet [illegible] [illegible] [illegible],
et postea in [illegible] [illegible] non fuit
[illegible] aliquod vel minima [illegible] [illegible]
[illegible], [illegible] quod fuit [illegible], [illegible] [illegible]
[illegible] expresse, [illegible] tacite, [illegible]
[illegible] [illegible] [illegible], et [illegible],
[illegible] [illegible] [illegible] [illegible] [illegible],
utiq; [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible], necessarijs [illegible] [illegible] [illegible];
[illegible] [illegible] [illegible] [illegible] quod [illegible]
[illegible] [illegible] [illegible], et [illegible] ab
in [illegible] D. Dnicę; ideireo [illegible]
[illegible] quidem

Quodq mens, et intentio ex ipsius [illegible] fuerit talis; determinatur ex eo quia [illegible] nocebat ipse antignano D. Annicę [illegible] [illegible] nullo permitteret [illegible] onus; et propterea ad loco [illegible] bonis [illegible] bona non debet D. Annica gravari; [illegible] eveniret sequeretur, quod [illegible] bonis ei antignanus [illegible]; [illegible], et [illegible] illa tradendi [illegible] gravaretur [illegible] [illegible] esset attenta, nec [illegible] 800 [illegible] [illegible] propterea ex [illegible] mulieris, et accumendo calliditati Adversarij; [illegible] modo recalcitrat; [illegible] uno [illegible] Antiqua [illegible] in Processu [illegible] Bonifaccius [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in Processu [illegible]; declarando [illegible] [illegible] D. Annicę [illegible] [illegible] respective [illegible] [illegible] 15 Aprilis 1699 [illegible] [illegible] eo quia [illegible] [illegible] habere [illegible]

[illegible]

Laus Deo [illegible]

Actio in [illegible] Iuditio proposita per Dominos [illegible] et fratrem Monacos contra fratrem Baptistam [illegible] de Claudetto pro quo [illegible] successere heredes [illegible] pro consequendo contra ipsum uti Possessorem terreni in Agariis livellis decursis ut in Politia tunc temporis exhibita Instantia [illegible] in Processu fol. p°

Tenor Politie Livellorum est quod Possessores Prati in Agariis persoluere eis debeant vigore eorum acquisitionis facte de anno 1600 [illegible] Honorabilis pro capitali duc. 20 quot annis L 8.14 ideoq. remaneant debitores in quantitate compilata in dictis partitis

Unde, cum ius meum semper debeat in Iuditiis et Sententiis [illegible] ex parte actoris

Videndum [illegible] brevi manu quid pretenderint actores, qualesue [illegible] rint exceptiones Rei conventi

[illegible] tota actionis Dominorum Monacorum fundatur super Instrumento eorum acquisitionis nominato in Partitis desuper adductis

Dicunt namq. ipsi quod Dominus Ioannes Baptista, assertus eorum

L. 25 [illegible] / 600 / L 6 H. [illegible] / [illegible] 20

Autor pretio ducatorum [illegible] emit Bonum in Agariis, quodque Bonum ipsum postea fuit eis usurpatum. Unde illud sequestrarunt et ex fructibus eiusdem [illegible] pervenerint in ratione [illegible] pro centenario iuxta leges Serenissimi Domini. Unde, ex supra allegatis fundamentis, modo petunt deputari Peritum ad liquidanda livella decursa, et non solum pro tempore quo Ioannes Baptista Claudettis detinuit rem [illegible].

Talis est eorum Instantia, tamque et non alia fundamenta fuerunt
deducta pro ipsa sustinenda ut apparet et est videre ex
integro Processu;

Joannenius et heredes Posoni illius Iuditij susceptores ex abundanti
Plures exceptiones opponuerunt aduersus dictam Petitionem
licet ex se ipsa redderetur inepta, ut inferius considerabo,

Dixerunt in primis quod pro ... eodem asserto credito pro quo
Domini Monaci molestia afficiunt Joannenium adsunt duoque
in Iuditio Pinciani contra Iacobum Toveani Missiens actione
Respectiuam ut patet ex actu edito in Processu fol. 65. B.

Modo Iacobus Requesitus obtulit in illo Iuditio satisfactionem dum=
modo constare faciat Monacus de aliquo eius legitimo cre..
dito. q° dolose ab eo Joannenius vexatur pro eadem actione.

Firmaruntque propositionem supra relatam confessione eiusdemmet
Domini Hieronimi Monaci, dum respondendo dicte positioni
in scriptura presentata in Processu regesta fol. 61. non
ausus fuit negare tanc veritatem; sed tantum ea supposita
pro uera dicit non releuare.

Addiderunt quoque pro secunda exceptione Dominos Monacos
intus longe habere quod petunt, et consecutos amplissime
fuisse satisfactionem eorum capitalis pro quo intendunt
sibi ... persolui, Hocque validissime firmarunt.

Ut n. patet ex instrumento aquisitionis Domini Joannis
Baptiste Monaci 1600. in Nouembris capitale illius
contra illos ... Rome fuit duc. 154

Verum

Jemm... o re dun ~~tuit~~ extinctum, et restitutum, sed, ... illius
fuit erogatum a Pauperculis ... Clavetti, ut desumitur
ex instrumentis in processu presentatis, Alter in processu
fol. 79. ter. A. in quo Dominus Monacus anno 1601 et sic
elapsas anno tantum primo post factam emptionem, vendit
ex illismet Bonis ... duc. 143 Joanni del Missier de
dicta Villa, et in instrumento verbis expressis enunciatur,
dicitur Bona in eo comprehensa esse ex Bonis anno elapso
emptis, et acquisitis per Dominum Monacum a Leonardo quondam
Troppoli Tome de Clavetto, Alter vero Duc. 11 pro
augumento pretij, cuiusdam Boni, quod fuerat illorum
Tome, que summe ascendunt in totum ad ducatos 158
et sic transcendunt creditum, et capitale Domini Joannis
Baptiste, quod totum in omnibus et per omnia erat
tantummodo ducatorum 154, ut in Contractu supra relato
declaratur. quo cum fuerit Dominus eorum Auctor satisfactus
iniuste modo Domini fratres Monaci adhuc ius in
Bonis habere pretendunt,

Accedit premissis, et tertia exceptio, quod sicuti tempore
contractus emptionis, et venditionis respective celebratus
de anno 1600 inter Dominum Joannem ... tum
Monacum et Leonardum Troppoli Tome, Bonum
in Arranis super quo Dominus Hieronimus modo
sibi perpetuum Livellum pretendit non erat in bonis eorum

venditonis sei ...iu de anno 1587 fuerat a Dominico Toppoli Tome eius fratre distractum, ut patet ex instrumento in Processu edito fol. 25 & 1° et ra.tis, ac testium depositionibus inde habitis, et receptis in processu cedaelis fol. 48, 49, et seqq. Quibus primatim, et clare doctum fuit, quod Petia terre nominata in instrumento emptionis Ioannis Baptiste Ioannerii 1613 10 Augusti est eadem, que a quondam Leonardo Toppoli Tome possidebatur in Acanijs; quodque tam Dominicus Tosonus, qui emit dictum Pratum Ioanerio, quam Mattheus eiusdem Tosoni Pater erant et semper fuere in Possessione dicti Boni in Acanis cursu annor. 25, et ultra antequam eum distraherent, et venderent ipsi Ioanerio de anno 1613; Unde sequitur necessaria consequentia, quod tempore contractus non possideretur a Leonardo venditore; Quod apertissime etiam elicitur ex eo quod Dominus Monacus emptor nunquam adeiuit eius Possessionem nunquamque habuit illius actualem Dominium, ut dessumitur ex partitis a fratribus actoribus presentatis

Non ... bonum controversum non erat in dominio venditoris de anno 1600 tempore contractus Monaci, utique non potuit eidem distrahi, seu obligari, cum ex vulgata iuris regula nullus in alium plus iuris transferat

...

quam vis ea habeat. 1° cum cadat Dominium, et hypotheca
ex parte Dominorum Monacorum, cadit quoque Actio pro:
posita pro liquidatione praeteritorum livellorum decursorum.
Sed dato (non autem concesso, et hoc sit absque preiuditio exceptionum
semper obiectarum) quod Leonardus quondam Ioannis Rossi
venditionis tempore fuisset Dominus Prati in Aranis,
tamen adhuc Actio Domini Monaci modo proposita contra Ianua-
rium sustineri non posset (et hoc unicum fundamentum sa-
tis superque foret ad tollendam litem, et extinctionem
Inmanij officij)
Quid enim aliud possent pretendere et consequi Domini Mo-
naci etiam si se filios et heredes quondam Domini Ioannis
Baptistae probassent, quod non fecerunt, nisi relaxationem
dicti Prati in Aranis? nihil aliud certe, nullamque aliam
actionem quam rei vendicationis habere possent exponendo
in eorum libello bonum praemissum fuisse ab eorum auctore
emptum, ut in instrumento 1600 ... et ... ad
rem sibi deberi, et dimittendum fore. Secundum aliam actio-
eisdem competeret et deberetur
Verum in praesenti Iuditio non actione rei vendicationis
ad relaxationem et consecutionem Boni, sed actione hy-
pothecaria ad liquidationem et consecutionem livellorum
decursorum agunt. Unde audiri ~~et~~ exaudiri ne-
debent nec possunt
Quoniam nullibi in toto Processu constat Dominos fratres

Actores seu illorum Autorem consituisse et fundasse aliquam [illegible] responsionem super eiusmodi bono in [illegible] illud nunquam possedisse, locasse, seu nouis alio modo obligasse ad aliquod [illegible], seu censum; unde modo deputationem Periti ad liquidanda decursa petere possit

[illegible] licet ediderint quasdam notas extractas ex eorum libro ex quibus videtur alienando sequestrasse dicta Bonum et assecutos fuisse fructus, tamen non obstant

Quia respondetur in primis, quod nota predicta non probant possessionem exigendi Dominorum Actorum, quia licet actione sequestraria aliquid exigerent, tamen non releuarit, cum non voluntarie solutiones [illegible] forent, sed necessaria perceptio fructuum obtenta non contradicente, ita ut modo agere possit ad exactione residui contra eum seu contra Bona

Secundo loco respondetur, quod ille Notule minime probant, seu ius aliquod Monachis tribuunt eo quia multa attenunt in ipsis, que in nulla vel minima parte [illegible]

Non enim verum est, quod unquam [illegible] fuerit pro eiusmodi [illegible] condemnatus, et quidquam persoluerit, quoniam si ipse necessario fuerit [illegible] a Dominis Actoribus editione sententie seu aliquo

alio

alio Legitimo genere probationis, immo contrarium constat dum apparet contimi cum fuit citatus pro siquid decurionum se opposuisse fuisset, et eius relevatores vocasse,

Tertio tandem respondetur quod notę ipsę, et requestae communes et evanescunt, dum constat ex instrumento et titulo ipsorum Dominorum Monacorum in quo fundantur et nituntur res aliter se habere, eo quia patet, quod Dominus Joannes Baptista Monacus emit Bona in instrumento comprehensa, nec autem habeat aliquod super eis fundamentis, unde ipse, seu eius successores possent seu possint interusuria contra tertios Possessores pretendere.

Quapropter, cum Domini Monaci careant titulo invellationis, constetque non ad aliud, quam ad evictionem Bonorum opere posse, licentiari debent, et eliminari ab intentato Judicio, salvo iure melius agendi si eo spectat innofuerit,

Adrianus a Porta JVD

quam probationem, non tantum non prestitit, imo magis, atque magis, sese
reum, et culposum reddidit in suis, vel suo constituto primo enim noscere
puellam negavit, sed postea cum ea rem habuisse fassus est, secundo
dixit statis quod allocutus est eam, obtinuisse gratiam eius, et appellat
sed non parum post sibi contrariavit, et dixit non illa die, sed alteram
cum ea rem habuisse, tertio negavit dedisse pro arris, et signis pro=
missionis contrahendi Matrimonij coronam, quam vetat, et prenecque
non erubescit dicere, ipsam D. Flamettam sibi eripuisse ipsam coronam
at Denarios falsitates falsitatibus accumulando, vel penitus pro=
bando nullam animæ suæ, conscientiæ, et honoris rationem habendo,
et vel timendo Iuramentum, et per se prestitum, et sic in execrandum
Periurium incurrendo. quæ omnia et singula multo magis convincere
reddunt eum, et tanto magis, eius iniquitas, et perversitas est coer=
cenda, quanto et gloriatur de hoc, et gratiam vocat eius scelus, et
peccatum, quod est directum contra summi Dei omnipotentis preceptum
non Mechaberis.

Quare intervenientes pro ipsa D. Flametta producto toto processu in
parte, et partibus contrarijs reiectis, et impugnatis, petunt, et instant
ipsum [illegible] Violatum sententiari ad legitime contrahendum Matrimonium
cum ipsa D. Flametta iuxta formam sacrosancti Concilij Tridentini
aut [illegible], cum expensis, damnis, et interesse, de quibus solenniter pro=
testantur. salvis et salvo

Inches 1 2 3 4 5 6 7 8
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
Centimetres
Farbkarte #13
B.I.G.
Blue Cyan Green Yellow Red Magenta White 3/Color Black